

1 C O N F I D E N T I A L

2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF NEW YORK

4 ERIN GURSSLIN,

5 Plaintiff,

6 Civil Action No. 20-cv-6508

v.

7 THE CITY OF ROCHESTER, a municipal entity, POLICE  
8 OFFICER JEREMY NELLIST, POLICE OFFICER JOSHUA  
9 KELLY, COMMANDER FABIAN RIVERA, LIEUTENANT AARON  
SPRINGER,

Defendants.

11 Video-recorded Deposition Upon Oral Examination of:

12 Officer Jonathan P. Laureano

14 Location: Alliance Court Reporting, Inc.  
15 109 South Union Street, Suite 400  
Rochester, New York 14607

16

17 Date: February 27, 2023

18

19 Time: 10:00 a.m.

20

21

22 Reported By: KIMBERLY A. BONSIGNORE  
Alliance Court Reporting, Inc.  
109 South Union Street, Suite 400  
Rochester, New York 14607



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# 1 | APPAREANCES

2 | Appearin g Remotely on Behalf of Plaintiff:

3 | Elliot D. Shields, Esq.

4 | Roth & Roth LLP

5 | 192 Lexington Avenue, Suite 802

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8

9 | Appear on Behalf of Defendants:

10 | Peachie L. Jones, Esq.

11 | City of Rochester Law Department

12 | City Hall, Room 400A

13            30 Church Street

14 Rochester, New York 14614

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16

17 | Also Present:

18 Kenneth Williamson, Videographer

19 Alliance Court Reporting, Inc.

20 | 109 South Union Street, Suite 400

21 Rochester, New York 14607

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## S T I P U L A T I O N S

2 MONDAY, FEBRUARY 27, 2023;

\* \* \*

IT IS HEREBY STIPULATED by and between the  
attorneys for the respective parties that this  
deposition may be taken by the Plaintiff at this time  
pursuant to notice;

IT IS FURTHER STIPULATED, that all  
objections except as to the form of the questions and  
responsiveness of the answers, be reserved until the  
time of the trial;

IT IS FURTHER STIPULATED, that pursuant to  
Federal Rules of Civil Procedure 30(e)(1) the witness  
requests to review the transcript and make any  
corrections to same before any Notary Public;

18 IT IS FURTHER STIPULATED, that if the  
19 original deposition has not been duly signed by the  
20 witness and returned to the attorney taking the  
21 deposition by the time of trial or any hearing in this  
22 cause, a certified transcript of the deposition may be  
23 used as though it were the original;

IT IS FURTHER STIPULATED, that the  
attorneys for the parties are individually responsible



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1 PROCEEDINGS  
2 for their certified transcript charge, including any  
3 expedite or other related production charges in  
4 accordance with Rochester Rules;

5 AND IT IS FURTHER STIPULATED, that the  
6 Notary Public, KIMBERLY A. BONSIGNORE, may administer  
7 the oath to the witness.

10:39:36      \*      \*      \*

10:39:36 9 THE VIDEOGRAPHER: We are on the record.

10:39:45 10 The time is 10:40 a.m., on Monday,

10:39:50 11 February 27, 2023.

10:39:53 12 My name is Ken Williamson for Alliance  
10:39:56 13 Court Reporting located at 109 South Union Street,  
10:39:59 14 Rochester, New York.

10:39:59 15 We are located today at Alliance Court  
10:40:07 16 Reporting. The deponent is here, and we do have an  
10:40:10 17 attorney on Zoom, so it is a hybrid deposition.

10:40:15 18 We are about to begin the video-recorded  
10:40:17 19 deposition of Officer Jonathan Laureano, in the matter  
10:40:23 20 of Erin Gursslin, plaintiff, versus the City of  
10:40:25 21 Rochester, a municipal entity, Police Officer Jeremy  
10:40:29 22 Nellist, Police Officer Joshua Kelly, Commander Fabian  
10:40:34 23 Rivera, and Lieutenant Aaron Springer, defendants.

10:40:36 24 Today's matter is being videotaped on  
10:40:40 25 behalf of the plaintiff.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:04:46 2 to put ourselves or the public in danger.

11:04:49 3                   Q. And you're never allowed to make a choice  
11:04:53 4 that would unnecessarily endanger yourself or the  
11:04:57 5 public; correct?

11:04:59 6                   MS. JONES: Objection.

11:04:59 7                   A. No. I would say that's incorrect. I  
11:05:05 8 mean, we're forced into -- difficult decisions like  
11:05:06 9 that I would say just comes with our line of work.

11:05:10 10                  Q. Okay. So when are you allowed to  
11:05:13 11 unnecessarily make a choice that would endanger  
11:05:20 12 yourself or the public?

11:05:21 13                  A. Well, not the public, but myself. I guess  
11:05:26 14 if we could isolate that and break that down a little  
11:05:28 15 bit, myself, I would have to make a choice over my  
11:05:31 16 well-being versus, for example, somebody in the  
11:05:31 17 public.

11:05:31 18                  Like my safety doesn't matter if there's  
11:05:33 19 an innocent life, potentially, that could be harmed.  
11:05:37 20 I would have to disregard my own personal safety or  
11:05:40 21 the safety of my partner because we're obligated to  
11:05:44 22 preserve life and property.

11:05:46 23                  Q. Okay. So sometimes, as a police officer,  
11:05:51 24 you have to make a choice that might put yourself in  
11:05:54 25 danger; correct?



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:05:56 2 MS. JONES: Objection.

11:05:57 3 A. Yes.

11:05:57 4 Q. But you're not allowed to make a choice  
11:05:59 5 that would unnecessarily put the public in danger;  
11:06:03 6 correct?

11:06:04 7 MS. JONES: Objection.

11:06:04 8 A. I mean, we would try to avoid that  
11:06:07 9 absolutely at all costs. I...

11:06:09 10 Q. Okay. I was just trying to break down  
11:06:11 11 your answer to my question.

11:06:14 12 A. Sure.

11:06:14 13 Q. Okay. And you're never allowed to use  
11:06:22 14 deadly force unless you reasonably believe that your  
11:06:26 15 life or the life of another person is in danger;  
11:06:30 16 correct?

11:06:30 17 MS. JONES: Objection.

11:06:31 18 A. Yes.

11:06:32 19 Q. How many times have you discharged your  
11:06:37 20 firearm while performing your duties as an RPD  
11:06:40 21 officer?

11:06:40 22 A. Four.

11:06:44 23 Q. Okay. And how many of those times have  
11:06:50 24 been at a dog?

11:06:51 25 A. Four.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:06:52 2 Q. Okay. I'm aware of the incident in 2015,  
11:07:02 3 the incident in 2020, and the incident in 2021. Was  
11:07:08 4 there an additional incident?

11:07:10 5 A. There were two.

11:07:10 6 Q. I'm sorry. There were two additional  
11:07:13 7 incidents?

11:07:13 8 A. Outside of what you just said, yes.

11:07:15 9 Q. Okay. What are the other two incidents?

11:07:18 10 A. The other two were sometime between, I'd  
11:07:23 11 say, 2011 and 2014. I can't give you the exact month,  
11:07:28 12 but it was in that time frame.

11:07:30 13 Q. Okay. I'm sorry. Are you saying that the  
11:07:34 14 first one was sometime between 2011 and 2014, or --

11:07:39 15 A. I'm saying the two that you're unaware of  
11:07:41 16 were -- those occurred in that time window.

11:07:44 17 Q. One was in 2011 and one was in 2014, or  
11:07:49 18 both were sometime in that time period?

11:07:51 19 A. Correct, the second.

11:07:52 20 Q. Okay. Tell me everything you remember  
11:07:54 21 about the first incident.

11:07:56 22 A. There were -- we stepped out with a  
11:08:00 23 suspicious on I believe it was Harris Street, and  
11:08:06 24 before I could really do any type of investigation  
11:08:12 25 into what we were looking into, an individual and my



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:08:16 2 partner -- an individual started backpedaling up a  
11:08:20 3 driveway, my partner jumped over a fence, and I turned  
11:08:24 4 around and there were two aggressive dogs that were on  
11:08:27 5 the sidewalk rapidly approaching me.

11:08:29 6                   Q. Okay. What happened next?

11:08:33 7                   A. I discharged one round directly at the  
11:08:38 8 dogs, and it landed directly in between two of them,  
11:08:42 9 and they -- that startled them and they ran away.

11:08:47 10                  Q. So on that incident, the shot that you  
11:08:50 11 fired did not strike either of the dogs?

11:08:53 12                  A. No, sir.

11:08:54 13                  Q. Okay. After that incident, was it  
11:09:00 14 reviewed by your supervisor?

11:09:03 15                  A. We --

11:09:03 16                  MS. JONES: Objection.

11:09:04 17                  A. Our supervisor responded to the scene to  
11:09:08 18 ask what happened, so I briefed him. And after that,  
11:09:13 19 I returned to my duties.

11:09:19 20                  Q. Okay. Did PSS review that incident?

11:09:22 21                  A. I can't say, but I'm sure that report was  
11:09:28 22 forwarded to the proper individuals, but I did not  
11:09:33 23 hear from PSS regarding that incident.

11:09:36 24                  Q. Okay. So no one from PSS ever reached out  
11:09:40 25 to you to ask you about what happened?



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:09:42 2 MS. JONES: Objection.

11:09:43 3 A. No, sir.

11:09:43 4 Q. Okay. Did you ever write any notes or  
11:09:48 5 reports regarding that incident?

11:09:49 6 A. No, sir. Reporting would be done by a  
11:09:56 7 supervisor.

11:09:58 8 Q. And I just want to back up to your  
11:10:02 9 beginning of the description.

11:10:04 10 You said that you were on Harris Street  
11:10:06 11 and you had stepped out to talk to someone; is that  
11:10:09 12 right?

11:10:09 13 A. Yes, sir.

11:10:10 14 Q. When you say you stepped out to talk with  
11:10:12 15 someone, does that mean you were in your car and you  
11:10:15 16 got out to speak with somebody on the street?

11:10:18 17 A. Yes, sir.

11:10:18 18 Q. Okay. And why did you get out to speak  
11:10:21 19 with that person?

11:10:23 20 A. Because there was -- there are certain  
11:10:28 21 areas in the city that would be considered hotspot  
11:10:31 22 areas. That was a hotspot area, meaning that there  
11:10:34 23 was a lot of crime that takes place, specifically  
11:10:38 24 violent crime. So I was addressing individuals in  
11:10:42 25 that area.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:10:42 2                   Q. Okay. And do you remember what time of  
11:10:44 3                   day it was?

11:10:44 4                   A. I was working afternoon, so sometime  
11:10:49 5                   between 3 and 11.

11:10:51 6                   Q. And do you remember if it was light out or  
11:10:56 7                   not?

11:10:56 8                   A. It was light out, but I couldn't tell you  
11:10:59 9                   exactly what time it was.

11:11:00 10                  Q. Okay. And you said one of the guys ran  
11:11:07 11                  into the property, and your partner ran after him; is  
11:11:11 12                  that right?

11:11:11 13                  MS. JONES: Objection.

11:11:11 14                  A. So the one individual starts backpedaling  
11:11:16 15                  just up the driveway, like he was -- he had a look  
11:11:22 16                  of -- I don't know -- fright and was backpedaling,  
11:11:27 17                  like he had seen a ghost.

11:11:30 18                  And my partner proceeded to jump over a  
11:11:32 19                  fence, I believe, onto a different property, which --  
11:11:34 20                  you know, my back was turned to those dogs, so I had  
11:11:37 21                  no idea what they were trying to get out of the way of  
11:11:40 22                  at the time.

11:11:41 23                  Q. Okay. Do you know what happened to the  
11:11:45 24                  individual that your partner was chasing?

11:11:48 25                  A. So he was jumping to get away from what I



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:11:54   2       hadn't seen that was behind me. There was no actual  
11:11:58   3       foot pursuit because, like I said, he was backpedaling  
11:12:02   4       up the driveway to get away from something, not us.

11:12:07   5       Q. Got it.

11:12:08   6       So basically the guy saw the dogs, started  
11:12:11   7       backpedaling, and then your partner jumped the fence  
11:12:14   8       to get away from the dogs too?

11:12:16   9       A. Correct.

11:12:16   10      Q. Got it.

11:12:18   11      And then you shot at the dogs, and they  
11:12:20   12      ran away, and you didn't see them again?

11:12:22   13      A. No, I didn't. I think they ran like --  
11:12:25   14      they ran across the street, and then I lost track of  
11:12:28   15      them. I'm not sure if Animal Control was able to  
11:12:33   16      locate them.

11:12:33   17      Q. Okay. Was that after you were done with  
11:12:36   18      your field training?

11:12:37   19      A. Yes.

11:12:41   20      Q. Okay. All right. And were you ever told  
11:12:52   21      that anything you did during that incident was  
11:12:56   22      inconsistent with RPD policy or training?

11:12:58   23      A. No.

11:12:59   24      Q. Okay. Did you have pepper spray on you at  
11:13:04   25      the time?



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:13:04   2                   A. Yes.

11:13:04   3                   Q. Did you consider using your pepper spray  
11:13:10   4 instead of your firearm?

11:13:11   5                   A. No.

11:13:11   6                   Q. Did you have any other tools at your  
11:13:15   7 disposal, like a baton?

11:13:17   8                   A. Yes.

11:13:19   9                   Q. Did you consider using your baton instead  
11:13:24   10 of your firearm?

11:13:24   11                  A. No.

11:13:25   12                  Q. Okay. Did you have any other nonlethal  
11:13:34   13 options at your disposal, like a Taser?

11:13:38   14                  A. No, I did not.

11:13:39   15                  Q. Okay. No, you didn't have a Taser or, no,  
11:13:43   16 you didn't have anything else?

11:13:44   17                  A. No notable.

11:13:47   18                  Q. Okay. And can you tell me about the  
11:13:53   19 second time you shot a dog?

11:13:54   20                  MS. JONES: Sorry. Before we keep going,  
11:13:58   21 Elliot, the subpoena that you issued for Officer  
11:14:00   22 Laureano only said that you wanted him to testify  
11:14:04   23 about SWAT incidents he was involved in in which a dog  
11:14:08   24 was shot. So this is not a SWAT incident because it  
11:14:08   25 clearly preceded when he joined SWAT in 2020.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:14:13 2                   Do you intend to exceed the scope of your  
11:14:16 3                   subpoena?

11:14:16 4                   MR. SHIELDS: I can ask as many questions  
11:14:19 5                   as I want, Peachie.

6                   Q. Okay. Can you tell me about the second  
11:14:23 7                   time you shot a dog, please?

11:14:23 8                   MS. JONES: Because you don't -- hold on.  
11:14:25 9                   So I'm just going to note for the record that you are  
11:14:27 10                  exceeding the scope of your subpoena.

11:14:29 11                  These other SWAT incidents, I guess, I'll  
11:14:32 12                  let us put on the record because it does kind of apply  
11:14:35 13                  to this case. But if we go too far afield of this,  
11:14:38 14                  I'm going to object and instruct him not to answer.

11:14:41 15                  MR. SHIELDS: First of all, how am I  
11:14:43 16                  supposed to know about these other incidents when you  
11:14:44 17                  never produced any records about these incidents? I  
11:14:47 18                  can ask him any questions I want about anything that's  
11:14:49 19                  relevant in the lawsuit. That's the rules for the  
11:14:51 20                  deposition.

11:14:52 21                  MS. JONES: No. No. It's supposed to be  
11:14:53 22                  described in the subpoena.

11:14:54 23                  MR. SHIELDS: It's incorrect.

11:14:56 24                  MS. JONES: Okay. Well, I guess, we  
11:14:59 25                  disagree about that. But, again, if we go too far



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:15:04   2 afield of the subpoena, I'm going to direct him not to  
11:15:07   3 answer.

11:15:07   4                   MR. SHIELDS: Peachie, I'm asking him  
11:15:10   5 questions directly related to the claims and defenses  
11:15:12   6 in the lawsuit. You never told me about these two  
11:15:14   7 other incidents. I obviously have the ability to ask  
11:15:16   8 him about these two other incidents.

11:15:18   9                   MS. JONES: They occurred in 2011 and  
11:15:21 10 2014. That's far outside of the scope of your  
11:15:24 11 Molineux.

11:15:24 12                   MR. SHIELDS: I'm sorry. That just shows  
11:15:25 13 that you have no clue about the law in Molineux.

11:15:29 14                   MS. JONES: There is no need to have  
11:15:32 15 personal attacks here, Elliot. Okay? I'm just  
11:15:34 16 stating you're far afield of the description in your  
11:15:34 17 subpoena.

18                   MR. SHIELDS: Okay.

11:15:34 19                   MS. JONES: So I ask that you keep it to  
11:15:36 20 your subpoena.

11:15:36 21                   MR. SHIELDS: I understand your objection.  
11:15:38 22 Let me just ask my questions so we can finish the  
11:15:39 23 deposition. It started late today. Okay?

11:15:42 24                   Q. All right. Officer Laureano, can you  
11:15:46 25 please tell me about the second time that you shot a



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:15:48 2       dog.

11:15:48 3                   A. The second incident, again, occurred in  
11:15:55 4       that time frame that I've already stated. And it was  
11:15:58 5       an aggressive dog that was behind, I believe -- was  
11:16:05 6       either a vacant house, or maybe a half-vacant  
11:16:09 7       structure, and was -- I had received numerous 911  
11:16:14 8       calls.

11:16:16 9                   So I went there, and Animal Control met  
11:16:18 10      us, and just -- Animal Control was trying to do their  
11:16:22 11      thing. The dog became aggressive and charged Animal  
11:16:29 12      Control. I don't remember the particular individual  
11:16:29 13      who was -- who responded from Animal Control. But  
11:16:33 14      they became aggressive, charged the handler, and I  
11:16:36 15      discharged one round. Actually, I discharge two  
11:16:40 16      rounds in the direction of the dog.

11:16:45 17                   And the dog was unharmed. The rounds  
11:16:52 18      struck a safe backstop, and it scared the dog enough  
11:16:56 19      to run back behind the house to not continue to charge  
11:16:59 20      aggressively. And it ran towards two other officers  
11:17:03 21      where, I believe, a Taser was deployed, and it was  
11:17:07 22      successful.

11:17:11 23                   Q. Okay. So it was a vacant house. You  
11:17:20 24      showed up. The dog ran at you. That was outside of  
11:17:24 25      the house?



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:17:26   2                   A. Right. So when we get a call for any  
11:17:29   3                   aggressive dog or loose dog, it's -- we're never going  
11:17:32   4                   to get a call for a dog that's, you know, on the  
11:17:34   5                   property where it's supposed to be.

11:17:37   6                   Q. Okay. Before you went to the house, did  
11:17:40   7                   you call Animal Control?

11:17:41   8                   A. Yes.

11:17:42   9                   Q. And did Animal Control come to the house  
11:17:47  10                   too?

11:17:47  11                   A. Yes, sir.

11:17:48  12                   Q. Were they there when you shot the dog  
11:17:51  13                   or -- or shot at the dog?

11:17:53  14                   A. Right. The reason I discharged my firearm  
11:17:57  15                   is because it was aggressively charging at the  
11:17:59  16                   individual who had responded from Animal Control.

11:18:02  17                   Q. Okay. So you missed the dog. It ran  
11:18:06  18                   away. It ran at another officer, who shot a Taser at  
11:18:10  19                   it, and that was successful?

11:18:12  20                   A. Right. It ran up against a fence it was  
11:18:14  21                   trying to navigate over, where the officer had a  
11:18:19  22                   little bit of a height advantage, and was able to  
11:18:22  23                   deploy a Taser with some cover.

11:18:24  24                   Q. Okay. So the officer was on the other  
11:18:26  25                   side of the fence. Is that what you're saying?



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:18:28 2 A. Right.

11:18:30 3 Q. And do you know who that other officer  
11:18:33 4 was?

11:18:33 5 A. Yes.

11:18:34 6 Q. Who was that?

11:18:35 7 A. Officer Thomas Lisle.

11:18:54 8 Q. Okay. Now, could this be the incident,  
11:18:58 9 that you're talking about, in 2015?

11:19:00 10 MS. JONES: Objection.

11:19:03 11 A. Yeah. I mean, I don't know the exact year  
11:19:11 12 it happened. It was sometime between, I would say,  
11:19:12 13 the time frame I gave you. If it went maybe a year  
11:19:17 14 past, maybe 2011 to 2015, perhaps it may fall within  
11:19:21 15 that window.

11:19:22 16 Q. Okay. So let me just back up.

11:19:25 17 You said that there were a total of four  
11:19:29 18 times; right? Four different incidents where you  
11:19:33 19 discharge a firearm at a dog?

11:19:35 20 A. Four --

21 Q. Okay.

11:19:35 22 A. -- correct.

11:19:35 23 Q. That would make sense because I said that  
11:19:39 24 I was aware of three of them.

11:19:41 25 MR. SHIELDS: And so let me just, for the



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:19:42   2 record, put up this incident report that's Bates -- I  
11:19:45   3 mean, that's CR2015-00075296, that's Bates-numbered  
11:19:59   4 COR DEM 03142, and this will be Exhibit 1 for this  
11:20:08   5 deposition.

6                   (The following exhibit was marked for  
7 identification: Number EXH 1.)

11:20:16   8 Q. Okay. Officer, on your screen, can you  
11:20:18   9 see this incident report with that CR number I just  
11:20:23   10 read, report date 4/1/2015, and the incident address  
11:20:31   11 was 72 Council Street?

11:20:34   12 A. Yes.

11:20:34   13 Q. Okay. Is that big enough for you to read  
11:20:39   14 it on your screen?

11:20:40   15 A. It is.

11:20:41   16 Q. Okay. So I'm just going to fast-forward  
11:20:43   17 to the Narrative section on the third page. I'm going  
11:20:46   18 to ask you to read that over, and then let me know  
11:20:49   19 when you're done reading it.

11:21:14   20 A. Yep.

11:21:17   21 Q. Okay. So does this report refresh your  
11:21:21   22 recollection of whether or not this was the second  
11:21:25   23 incident that you were testifying about?

11:21:28   24 A. Yes.

11:21:29   25 Q. Okay. And is it in fact that second



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:21:34 2 incident that you were testifying about?

11:21:35 3                   A. Yes, sir.

11:21:37 4                   Q. Okay. So you didn't strike the dog, but  
11:21:47 5 the other officer hit it with the Taser, Officer  
11:21:52 6 Lisle, and that was effective; correct?

11:21:55 7                   MS. JONES: Objection.

11:21:59 8                   A. Yes, that was a successful deployment of  
11:22:03 9 the Taser.

11:22:04 10                  Q. Okay. And so would that indicate to you  
11:22:06 11 that it was unnecessary for you to have fired your  
11:22:10 12 gun?

11:22:12 13                  A. No.

11:22:13 14                  Q. Okay. Why was it necessary for you to  
11:22:16 15 fire your gun?

11:22:18 16                  A. Because we were on two different sides of  
11:22:20 17 the house. Officer Lisle could not be two places at  
11:22:25 18 once, and Officer Lisle had deadly force coverage with  
11:22:27 19 Officer Goodfriend.

11:22:27 20                  So if the Taser deployment were to fail,  
11:22:29 21 there was an immediate end to what would have been the  
11:22:38 22 aggressive dog -- or the threat with deadly force  
11:22:40 23 coverage. So if it failed, and the dog was still able  
11:22:40 24 to try to navigate over the fence, then Officer  
11:22:42 25 Goodfriend would have discharged his weapon.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:22:45   2                   Q. Okay. And did you have any less-lethal  
11:22:49   3                   options on your person at the time that you discharge  
11:22:54   4                   your firearm?

11:22:54   5                   A. Yes.

11:22:55   6                   Q. Okay. What were those less-lethal options  
11:22:58   7                   that you had on your person?

11:22:59   8                   A. I had my OC spray and my baton.

11:23:07   9                   Q. Okay. And so you chose to use the firearm  
11:23:12   10                  instead of the OC or the baton?

11:23:15   11                  A. I did because I did not have anybody to  
11:23:17   12                  provide me with any deadly coverage. I was the only  
11:23:21   13                  officer on that side of the house, where there were  
11:23:24   14                  two other officers on the other side of the house,  
11:23:27   15                  which would essentially be the fourth side.

11:23:28   16                  So I was on the 2 side of the house, and I  
11:23:31   17                  was covering the individual from Animal Control who  
11:23:37   18                  had responded. So he didn't have anybody with him. I  
11:23:41   19                  was the only one that was covering him and protecting  
11:23:43   20                  him.

11:23:43   21                  Q. Okay. And when the dog charged and you  
11:23:49   22                  discharged your firearm, were you afraid?

11:23:51   23                  A. No.

11:23:52   24                  Q. You were not afraid?

11:23:53   25                  A. No, I was not afraid.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:23:56   2                   MS. JONES: Objection.

11:23:58   3                   Q. When the dog charged, did you believe it  
11:24:01   4                   was an imminent threat to you or to someone else?

11:24:05   5                   A. I believed that the -- yes, I believed at  
11:24:10   6                   the time it was an imminent danger. And it was a  
11:24:14   7                   threat to not only myself, but more importantly the  
11:24:16   8                   individual who I was covering, which was the Animal  
11:24:18   9                   Control operator. So that was my biggest priority at  
11:24:21 10                   that moment.

11:24:22 11                   Q. Did the Animal Control operator have a  
11:24:25 12                   catch pole?

11:24:26 13                   A. Yes.

11:24:27 14                   Q. Okay. Did he ever try to use the catch  
11:24:31 15                   pole?

11:24:31 16                   A. He was attempting to. I believe he was in  
11:24:34 17                   the process of preparing it and prepping it, as he was  
11:24:37 18                   walking up, and that's when the officer began to  
11:24:40 19                   charge aggressively at the Animal Control operator.

11:24:44 20                   Q. The dog charged, you mean? I'm sorry. I  
11:24:47 21                   think you said officer.

11:24:48 22                   A. Oh, did I say "officer"? Oh, dog. Yeah,  
11:24:53 23                   I meant the dog. Yep.

11:24:55 24                   Q. What did the Animal Control officer do  
11:25:00 25                   after you discharge your firearm?



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:25:02   2                   A. He just remained there to see what the dog  
11:25:07   3                   would do next with me.

11:25:10   4                   Q. Did he indicate that he was fearful that  
11:25:15   5                   the dog was going to attack him before you discharge  
11:25:18   6                   your firearm?

11:25:19   7                   A. No, he did not specifically say "I'm  
11:25:22   8                   fearful." But --

11:25:23   9                   Q. Okay.

11:25:24 10                   A. -- it was one of those  
11:25:28 11                   you-can-read-the-room-type scenarios, where he was  
11:25:30 12                   clearly caught off guard and was not prepared for, in  
11:25:34 13                   that very moment, the dog to aggressively come at him  
11:25:37 14                   did.

11:25:37 15                   Q. Okay. So you perceived the dog, based on  
11:25:43 16                   your training, to have been an imminent threat to you  
11:25:48 17                   or the Animal Control officer?

11:25:50 18                   A. Yes.

11:25:51 19                   Q. Okay. And what training have you received  
11:25:56 20                   before that incident to determine whether or not the  
11:25:59 21                   dog is an imminent threat?

11:26:04 22                   A. It would probably be the training I  
11:26:07 23                   received from the academy and the rest of -- that  
11:26:10 24                   would be based on just the experiences leading up to  
11:26:14 25                   the many encounters with aggressive dogs leading up to



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:26:20 2 that moment.

11:26:21 3                   Q. Okay. Had you ever received specific  
11:26:24 4 training about judging any objective factors that a  
11:26:32 5 dog displays to determine whether what you perceive to  
11:26:38 6 be a threat is an actual threat?

11:26:40 7                   MS. JONES: Objection.

11:26:44 8                   A. The department did training on that some  
11:26:49 9 time ago.

11:26:50 10                  Q. Okay. What do you remember from that  
11:26:52 11 training?

11:26:52 12                  A. Some photos of aggressive dogs and just  
11:27:00 13 more of a recognition on -- you know, things, again,  
11:27:05 14 that we would already have been -- were already taught  
11:27:09 15 about the growl -- you know, how they are as far as  
11:27:14 16 posture or demeanor, like growling and like -- I don't  
11:27:25 17 know -- lunging.

11:27:25 18                  If you want to call it growling, like  
11:27:28 19 lunging like when they snap their jaws. There's  
11:27:30 20 traits that are exhibited that are quite apparent when  
11:27:36 21 a dog is not happy to see you, I'd say.

11:27:41 22                  Q. Okay. If the traits are so apparent, what  
11:27:46 23 was the point of the training?

11:27:47 24                  MS. JONES: Objection.

11:27:48 25                  A. I would say that there can never be too



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:27:52   2 much training, and refreshers are always good.

11:27:55   3                   Q. Did the training help you to recognize  
11:27:59   4 these signs of a dog's aggressiveness, aside from what  
11:28:09   5 you've learned during your experience working in the  
11:28:09   6 field as a police officer?

11:28:10   7                   A. I mean, I wouldn't say that it was  
11:28:12   8 anything I hadn't heard before, but it was -- like I  
11:28:15   9 said, served as a good reinforcement because there are  
11:28:19   10 individuals who transfer, you know, go to  
11:28:21   11 administrative positions who are off the road for some  
11:28:25   12 time, and they come back to the road. Sometimes  
11:28:27   13 people forget things or lose things, and that's why  
11:28:32   14 you have in-services.

11:28:33   15                   Q. Okay. Did the training include anything  
11:28:35   16 about how to avoid shooting a dog that you perceive to  
11:28:41   17 be aggressive?

11:28:41   18                   A. I believe it did. I don't recall  
11:28:43   19 specifically what that was, but I don't believe it --  
11:28:47   20 I'm not sure if it deviated too much again from what  
11:28:49   21 we were already taught about time, distance, and  
11:28:53   22 cover.

11:28:54   23                   Q. Okay. With any of the instances that you  
11:29:00   24 shot at a dog, were you ever disciplined?

11:29:05   25                   A. No.

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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

11:29:05   2                   Q. At any of the times where you discharge  
11:29:09   3                   your firearm at a dog, were you ever required to  
11:29:13   4                   receive any additional training?

11:29:14   5                   A. No.

11:29:16   6                   Q. Okay. And, Officer Laureano, there's a  
11:29:29   7                   set of rules that RPD officers have to follow; right?

11:29:32   8                   MS. JONES: Objection.

11:29:32   9                   A. There are many rules, sir.

11:29:34   10                  Q. Okay. What are the RPD's rules called?

11:29:37   11                  MS. JONES: Objection.

11:29:38   12                  A. Well, there's General Orders.

11:29:40   13                  Q. Okay. Are there a different set of rules  
11:29:43   14                  for the SWAT team?

11:29:45   15                  A. General Orders still apply.

11:29:47   16                  Q. Okay. Are there additional rules for the  
11:29:51   17                  SWAT team in addition to the General Orders?

11:29:53   18                  A. There are rules that are different for  
11:30:00   19                  operators on the team, depending on, you know, our  
11:30:05   20                  assignment. But Article 35 still exists, General  
11:30:08   21                  Orders still exists, and they apply.

11:30:11   22                  Q. Okay. So I guess I'm just trying to  
11:30:15   23                  figure out if there's a name for any specific SWAT  
11:30:18   24                  rules, like if there's, like, a General Order manual  
11:30:23   25                  for the SWAT team that's only specific to the SWAT



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
2 that would be silly.

11:56:15       3                   We take them into custody and more  
11:56:17       4 often -- most oftentimes, in the overwhelming majority  
11:56:21       5 of the times, you can see it, whatever is discarded,  
11:56:23       6 because it doesn't go far. You can see it from  
11:56:24       7 wherever you're standing. It's plain view at that  
11:56:27       8 point.

11:56:28       9                   So we're not going to just be like, okay,  
11:56:30       10 I'm going to get a search warrant for something I can  
11:56:32       11 clearly see that doesn't belong to this person, that I  
11:56:35       12 saw this person discard, or is with an article of  
11:56:38       13 clothing that maybe that person had shed and wrapped  
11:56:40       14 up something with and then, you know, dropped  
11:56:43       15 somewhere along the way, and you can clearly see that  
11:56:47       16 it's been recently discarded.

11:56:47       17                   So, again, there is a fair degree of  
11:56:49       18 common sense, and there's also the exception that I  
11:56:53       19 would say falls under hot pursuit. As a courtesy, I  
11:56:56       20 will let the homeowner know why we're there, but I  
11:56:59       21 will not stop to say do I have consent to take this  
11:57:02       22 thing that I saw this person discard onto your  
11:57:07       23 property or, you know, draft a search warrant for  
11:57:09       24 discarded property.

11:57:11       25                   Q. Okay. And can you explain the open fields



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:57:18 2 exception?

11:57:18 3                   A. Sure. If something's in plain view or  
11:57:19 4 something's that open field.

11:57:22 5                   Q. I'm sorry. I'm sorry. Let me withdraw  
11:57:24 6 that.

11:57:24 7                   What I meant was "plain view" because  
11:57:27 8 that's what you said; right? The plain view of  
11:57:28 9 something is in plain view.

11:57:29 10                  A. I did. I took you to mean just that. So  
11:57:32 11 I mean, yes, plain view.

11:57:33 12                  Q. Okay.

11:57:35 13                  A. Plain view. I'm walking down, conducting  
11:57:37 14 directed patrol in a hotspot, for example, and I'm  
11:57:42 15 walking by a car -- right? -- and the vehicle is  
11:57:49 16 parked in a city street, and I look inside the vehicle  
11:57:52 17 that's parked on a city street and can clearly see a  
11:57:54 18 gun on the center console, just sitting there. The  
11:57:58 19 vehicle has no owner. Let's say it's a rental car.  
11:58:01 20 It comes back to an LLC, it comes back to Enterprise,  
11:58:05 21 what have you, now we have a vehicle that is sitting  
11:58:07 22 on a city street in a hotspot area that's known for  
11:58:09 23 high crime, violent crime, and there's -- what you can  
11:58:13 24 clearly see is a handgun on the center console.

11:58:17 25                  I would wait and I would see, you know,



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:58:17   2 who's coming back, who is the owner. And if I can't  
11:58:21   3 find the owner, I draft a search warrant for that  
11:58:25   4 vehicle. That's plain view.

11:58:26   5                   Q. I'm sorry. I asked a bad question. What  
11:58:31   6 I'm really interested in is if you can explain how the  
11:58:35   7 plain view exception would work in the context of  
11:58:39   8 entering the curtilage to someone's property.

11:58:42   9                   A. I would say because of everything that we  
11:58:46 10 have already gone over, it's something that happened  
11:58:50 11 during the course of a, you know, foot pursuit, it was  
11:58:55 12 an observation that was directly made by an officer,  
11:59:00 13 and then verified.

11:59:02 14                   So I can see that whatever it was that he  
11:59:08 15 had he discarded, you know, whether he was taken into  
11:59:10 16 custody or not, but, you know, most especially when  
11:59:14 17 he's taken into custody, we're still going to -- we're  
11:59:15 18 going to do a backtrack regardless.

11:59:16 19                   We're going to walk back the path of  
11:59:17 20 flight. And if we see something in plain view,  
11:59:20 21 something that was not moved or disturbed, wherever he  
11:59:23 22 was last seen to have discarded whatever unknown  
11:59:25 23 object, I'm not going to draft a search warrant.

11:59:28 24                   It doesn't mean it's wrong to do that,  
11:59:29 25 it's just an extra step that is unnecessary because it



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
11:59:32   2        doesn't have to do with that property because we  
11:59:37   3        weren't there for that property.

11:59:38   4        Does that make sense? Am I explaining  
11:59:42   5        that confusing --

11:59:43   6        Q. Yeah. And I don't mean to interrupt you.  
11:59:43   7        It does make sense. I just had a couple of follow-up  
11:59:47   8        questions there.

11:59:47   9        One, you said that you're going to do a  
11:59:50 10        backtrack regardless; right?

11:59:55 11        MS. JONES: Objection.

11:59:57 12        A. If observations are made of --

11:59:59 13        Q. If observations are made of somebody, in a  
12:00:01 14        foot pursuit, takes to jumping multiple fences into,  
12:00:04 15        let's say, four backyards, you're going to jump  
12:00:08 16        backyard, backyard, backyard, stop the guy; right?  
12:00:09 17        And you're not sure if he discarded anything as he  
12:00:15 18        jumped over the fences and went through four separate  
12:00:20 19        backyards, you're going to backtrack through those  
12:00:24 20        four yards; correct?

12:00:27 21        MS. JONES: Objection.

12:00:28 22        A. I would agree that if somebody is running  
12:00:32 23        and fleeing unlawfully, and you don't see a discarded  
12:00:37 24        item, but they were making, for example, some type of  
12:00:41 25        overt or furtive movement, to retrieve unknown said



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
12:00:45   2 item, but you didn't actually see what it was, then it  
12:00:48   3 is not unreasonable to conduct a backtrack for  
12:00:50   4 anything that's of evidentiary value.

12:00:52   5                   Because more often than not people tend  
12:00:56   6 not to just run for no reason, it's usually because of  
12:00:59   7 a multitude of reasons, but one of those reasons being  
12:01:05   8 that they don't want to be caught with whatever they  
12:01:07   9 may have on their person.

12:01:09   10               Q. Okay. And so my question then is, the  
12:01:16   11 Fourth Amendment applies to entering the curtilage to  
12:01:20   12 those people's properties; correct?

12:01:22   13               MS. JONES: Objection.

12:01:22   14               A. I do not believe the Fourth Amendment  
12:01:27   15 applies at that point because it's still an ongoing  
12:01:28   16 investigation, and because hot pursuit applies, we're  
12:01:33   17 not going any further outside of what we just did.

12:01:35   18               If I were to start taking some path that  
12:01:37   19 grossly deviates from the path of that individual,  
12:01:41   20 clearly has nothing to do with that investigation,  
12:01:43   21 that would be separate than me just walking back the  
12:01:46   22 way that I came, and just looking left and looking  
12:01:50   23 right and scanning.

12:01:51   24               I'm not going to start opening doors and  
12:01:53   25 doing things that maybe would -- I don't know if



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
12:01:55   2       you're alluding to that as far as, like, looking in  
12:01:57   3       and looking under and in between versus just simply  
12:02:03   4       looking left, right, a quick scan. Because if  
12:02:06   5       anything is going to be discarded, it will be obvious.

12:02:09   6                   Q. So my question is, you've got to have a  
12:02:12   7       lawful basis to enter the curtilage to their property;  
12:02:17   8       correct?

12:02:17   9                   MS. JONES: Objection.

12:02:18   10                  A. If it's a search warrant -- for the  
12:02:22   11       purposes of searching and seizing, you need a search  
12:02:26   12       warrant if there's an investigation pertaining to that  
12:02:28   13       property, if you have any inkling to the individuals,  
12:02:33   14       the property owner or the individuals who reside at  
12:02:34   15       that -- if there's something specifically directing  
12:02:37   16       you there.

12:02:37   17                  If it's just normal courses and the  
12:02:40   18       functions that you're conducting as a police officer,  
12:02:42   19       especially those that fall under exceptions of search  
12:02:47   20       warrant, no, you do not need a search warrant. And  
12:02:48   21       there are many.

12:02:48   22                  Q. All right. So I'm going to move to strike  
12:02:50   23       your answer as nonresponsive. I'm just going to ask  
12:02:54   24       that you listen to my question.

12:02:55   25                  A. Okay.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
12:21:03   2     does not in itself justify a search under exigent  
12:21:07   3     circumstances. The more serious the crime, the more  
12:21:09   4     likely the courts are to recognize the situation as a  
12:21:12   5     true emergency justifying the search based on exigent  
12:21:17   6     circumstances.

12:21:17   7                   "Probable cause must exist leading one to  
12:21:21   8     believe: 1, a crime, misdemeanor or felony, has been  
12:21:27   9     or is being committed and, 2, that if immediate action  
12:21:31   10    is not taken, the crime will be completed, or you have  
12:21:34   11    reasonable suspicion that you or others will suffer  
12:21:38   12    physical injury or death, or you have reason to  
12:21:40   13    believe that the evidence of the crime will be  
12:21:42   14    destroyed or otherwise lost. If a minor offense has  
12:21:48   15    occurred and the sole purpose for the warrantless  
12:21:52   16    entry is to make an arrest or serve an appearance  
12:21:53   17    ticket for that offense, the exigent circumstances  
12:21:57   18    exception would not be applicable."

12:21:59   19                   And it says, "Assume you cannot use this  
12:22:02   20    exception in other than extremely unusual  
12:22:05   21    circumstances, for example: 1, to enter the home in  
12:22:10   22    pursuit of an armed fleeing felon or, 2, where you are  
12:22:12   23    legally at a premises investigating a minor matter and  
12:22:15   24    you hear what happens or to be seems to be sounds,  
12:22:18   25    conversations, or the like, leading you to conclude



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
12:22:20   2       that a serious physical injury crime is occurring, or  
12:22:26   3       about to occur, and you may enter the premises and  
12:22:29   4       terminate said crime."

12:22:31   5       Okay. So I'm going to stop there. So  
12:22:36   6       that's -- is that your understanding of RPD's policy  
12:22:39   7       on when exigent circumstances applies, Officer  
12:22:43   8       Laureano?

12:22:43   9       A. You read it verbatim so, yes, sir.

12:22:46   10      Q. Okay. And how would that apply to  
12:22:49   11      backtracking?

12:22:52   12      A. That would fall, I believe, under hot  
12:22:58   13      pursuit and pursuit of a fleeing armed felon. But if  
12:23:04   14      you don't know it for sure to be armed, for example,  
12:23:07   15      if you see what appears to be -- or you can't -- you  
12:23:11   16      can't stop mid-stride to confirm what you just saw,  
12:23:14   17      you have to conduct some sort of backtrack to recover  
12:23:18   18      what would be of evidentiary value.

12:23:21   19      It would be neglectful, I think, to just  
12:23:25   20      not look at all and to assume that simply because he  
12:23:29   21      did not have it on his person that that's where the  
12:23:32   22      investigation stops.

12:23:34   23      Q. Okay. But you said that you're not  
12:23:39   24      required first to go ask for consent; right?

12:23:43   25      MS. JONES: Objection.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

12:23:43   2                   A. I'm not sure I said that you don't have to  
12:23:49   3                   ask for consent, or the way that you're saying it, I'm  
12:23:53   4                   not sure I said it verbatim that way. But I would say  
12:23:57   5                   that you need consent if you're going to search  
12:24:01   6                   somebody's property.

12:24:02   7                   If you're doing something that is on their  
12:24:05   8                   property for -- like you're investigating that  
12:24:08   9                   property. If I'm chasing a bad guy, like we already  
12:24:13 10                   did -- we already discussed, you know, yards one  
12:24:14 11                   through three, or one through five, and I look over  
12:24:17 12                   after taking them into custody, and I just peek over  
12:24:21 13                   the fence at what -- I saw a throwing motion,  
12:24:23 14                   discarding something, and I look and I happen to see  
12:24:24 15                   something, I'm not going to say, hey, do I have  
12:24:28 16                   consent to take this piece of property that I saw, you  
12:24:30 17                   know, Mr. Smith throw that I clearly know that is not  
12:24:35 18                   a place that he resides at and this -- this is not  
12:24:38 19                   something that belongs to you because I can see that  
12:24:41 20                   this is clearly not a normal place in your yard, you  
12:24:46 21                   wouldn't just leave a piece of property laying right  
12:24:49 22                   there in the middle of your yard. I think that would  
12:24:49 23                   be unreasonable to request consent for the course of a  
12:24:54 24                   criminal investigation that you're conducting that you  
12:24:57 25                   had direct knowledge of and direct observation of.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

12:24:59   2                   I think that if I need -- if I deviated  
12:25:02   3                   from his flight of path, I think then maybe that could  
12:25:07   4                   apply. But if I'm right there, or a yard or two away,  
12:25:12   5                   and I happen to peek up over a fence -- and  
12:25:15   6                   oftentimes, a chain-link fence, you don't need to look  
12:25:19   7                   up. Just look, you can see very clearly if anything  
12:25:21   8                   was discarded or not.

12:25:21   9                   Q. Okay. Didn't we discuss earlier that a  
12:25:27 10                  Fourth Amendment search occurs when you intrude on  
12:25:32 11                  someone's reasonable expectation of privacy?

12:25:35 12                  MS. JONES: Objection.

12:25:37 13                  A. We discussed that in the example that you  
12:25:40 14                  gave pertaining to the tarp, yes.

12:25:43 15                  Q. Were you taught, in your training at the  
12:25:48 16                  RPD, that someone has a reasonable expectation of  
12:25:53 17                  privacy in the curtilage to their property?

12:25:56 18                  A. Yes.

12:25:57 19                  Q. Okay. And were you taught that the Fourth  
12:26:01 20                  Amendment applies equally to the curtilage to  
12:26:04 21                  someone's property as it does to the home itself?

12:26:06 22                  MS. JONES: Objection.

12:26:09 23                  A. Yes. We trained in the Fourth Amendment  
12:26:12 24                  as it pertains to property and curtilage.

12:26:15 25                  Q. Is the RPD's practice to backtrack the



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

12:26:18 2       flight of path of a fleeing felon to look for  
12:26:23 3       discarded property?

12:26:25 4       MS. JONES: Objection.

12:26:28 5       A. That is common practice because the reason  
12:26:31 6       that we're pursuing them -- again, it would be  
12:26:34 7       situationally dependent. I wouldn't have to conduct a  
12:26:37 8       search if I spot somebody who has a warrant, and I  
12:26:38 9       know they have a warrant for their person signed by a  
12:26:42 10      judge, I don't have to conduct a search of the  
12:26:45 11      environment, their path of flight, or whatever.

12:26:45 12      If they're running from, let's say, a  
12:26:47 13      stolen vehicle, and I can see them -- maybe it was  
12:26:51 14      taken in a robbery, or used in some type of crime  
12:26:55 15      involving weapons, and I see them running from that  
12:26:59 16      vehicle, holding their side, making overt motions, and  
12:27:01 17      as I'm pursuing them, I see them attempting to discard  
12:27:06 18      something, or throwing motions, then yes, it is common  
12:27:08 19      practice to conduct a backtrack because at that point  
12:27:10 20      it would still fall under hot pursuit because I was  
12:27:13 21      only there because of their actions.

12:27:15 22      Q. Okay. So after the pursuit concludes and  
12:27:20 23      the person is taken into custody, you can still  
12:27:23 24      backtrack through their properties without obtaining  
12:27:28 25      consent of the property owner?



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

12:27:30 2                   MS. JONES: Objection.

12:27:32 3                   A. Yes, because property -- the consent  
12:27:35 4 wasn't obtained before that because it still falls  
12:27:39 5 under hot pursuit. It still applies. However, as a  
12:27:44 6 common practice, along with -- many other officers in  
12:27:47 7 the RPD will still let the individual know, so long as  
12:27:50 8 it's not a vacant structure, make some attempt to  
12:27:53 9 knock on a door.

12:27:54 10                  Because at the end of the day, I still  
12:27:56 11 have to -- I still have to say, hey, I know for sure  
12:28:00 12 that I saw X, Y, and Z discard this on your property.  
12:28:03 13 I just want to make sure that you're aware of it, A,  
12:28:04 14 and, B, do you recognize this to be yours; right?

12:28:08 15                  Because maybe, for whatever reason, I saw  
12:28:10 16 them throw it and it landed in a different yard and  
12:28:12 17 maybe I was mistaken. So that's a quick way to  
12:28:17 18 mitigate that, but I don't need to ask for consent.

12:28:21 19                  Q. Would it -- I'm sorry. Go ahead.

12:28:21 20                  A. I said I don't need to ask for consent to  
12:28:23 21 do that while I'm still in the course of that  
12:28:25 22 investigation.

12:28:27 23                  Q. Would it be unreasonable not to ask for  
12:28:32 24 consent before entering someone's property after the  
12:28:36 25 hot pursuit has concluded?



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

12:28:40   2                   A. Would it be unreasonable not to?

12:28:43   3                   Q. Correct.

12:28:44   4                   A. It would depend. I would say no because  
12:28:48   5                   of what just had occurred. But as a courtesy, we do.  
12:28:52   6                   But it is not necessary, especially if I can simply  
12:28:56   7                   just look with my eyes and see and confirm visually  
12:28:59   8                   what I had observed.

12:29:01   9                   Q. Okay. So it's not required by the Fourth  
12:29:04 10                  Amendment?

12:29:04 11                  MS. JONES: Objection.

12:29:06 12                  A. That would fall under the exception of the  
12:29:08 13                  Fourth Amendment as it pertains to search and seizure  
12:29:12 14                  if it's a direct observation.

12:29:13 15                  Q. And that exception that you're citing  
12:29:15 16                  would be the exigent circumstances exception?

12:29:18 17                  MS. JONES: Objection.

12:29:19 18                  A. It could be the exigent circumstances  
12:29:23 19                  exception, if it wasn't directly observed or was in  
12:29:27 20                  plain view or an abandoned property, if it hasn't been  
21                  discarded.

12:29:30 22                  Maybe it was -- again, situationally  
12:29:32 23                  dependent. Maybe he's running and he stuffs -- you  
12:29:35 24                  know, he stuffs it, you know, along the fence and  
12:29:38 25                  maybe it's not laying in the backyard and as easily --



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:11:00 2 MS. JONES: Objection.

01:11:01 3 A. Yes, we still have to adhere to the same  
01:11:08 4 rules and regulations.

01:11:09 5 Q. Okay. And is the SWAT team allowed to  
01:11:12 6 enter someone's fenced-in yard without a warrant,  
01:11:17 7 consent, or exigent circumstances?

01:11:18 8 MS. JONES: Objection.

01:11:19 9 A. Again, I would say yes, for the reasons  
01:11:23 10 that I've already stated.

01:11:24 11 Q. Okay. So the answer is, yes, the SWAT  
01:11:30 12 team is allowed to enter someone's yard, fenced-in  
01:11:33 13 backyard, the curtilage to their property, without a  
01:11:37 14 warrant, consent, or exigent circumstances?

01:11:39 15 MS. JONES: Objection.

01:11:39 16 A. Is that a question?

01:11:48 17 Q. Yeah, that was a question. I was just  
01:11:54 18 confirming that was your answer. Correct?

01:11:58 19 MS. JONES: Objection.

01:11:58 20 A. Yes, for the reasons I've already stated.

01:12:01 21 Q. Okay. And if you're entering someone's  
01:12:07 22 residential property, you should be particularly  
01:12:10 23 careful; correct?

01:12:11 24 MS. JONES: Objection.

01:12:11 25 A. You should always be careful, yes.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:12:16 2 Q. Has anyone ever gotten mad at you when  
01:12:22 3 you're on their property?

01:12:24 4 MS. JONES: Objection.

01:12:24 5 A. People have gotten mad at us for simply  
01:12:30 6 being on the street. So I would say, yes, they have  
01:12:36 7 been upset at times.

01:12:39 8 Q. They've been upset at times because you  
01:12:45 9 enter onto their property and you didn't ask for their  
01:12:48 10 consent first?

01:12:49 11 MS. JONES: Objection.

01:12:50 12 A. I was referring to our presence. Specific  
01:12:53 13 to your question, no, I've never seen that personally.  
01:12:57 14 That has not happened to me, where someone's been  
01:13:00 15 upset if I cut through their property.

01:13:03 16 Q. Okay. Have people been upset with you for  
01:13:07 17 being present on their property?

01:13:09 18 A. Yes, people have been upset for being on  
01:13:13 19 their property.

01:13:14 20 Q. Have people ever been upset with you for  
01:13:21 21 being on their property and they were -- it was  
01:13:27 22 unexpected? They didn't realize that you were there,  
01:13:30 23 then they realized you were there, and they said,  
01:13:33 24 "What are you doing here?"

01:13:35 25 MS. JONES: Objection.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:13:36 2 A. That's happened a few times.

01:13:37 3 Q. Okay. What do you do when that happens?

01:13:43 4 A. Simply explain to them why we're there.

01:13:47 5 Q. And you testified earlier that there were

01:13:56 6 four times that you had discharged your firearm at

01:14:00 7 dogs during your police duties. Were all of those

01:14:04 8 times while you were present at a residential

01:14:08 9 property?

01:14:12 10 A. Three out of the four were.

01:14:14 11 Q. Okay. Where was the fourth incident?

01:14:17 12 A. The very first incident we spoke of with

01:14:20 13 the two dogs was when I was on a city sidewalk and

01:14:23 14 they were loose dogs. They were aggressively charging

01:14:26 15 me.

01:14:27 16 Q. Got it.

01:14:28 17 That was in a residential neighborhood?

01:14:31 18 A. Yes.

01:14:32 19 MR. SHIELDS: Okay. Okay. So I want to

01:14:39 20 go through the other two incidents. So first I want

01:14:45 21 to talk about the incident CR Number 2020000151628

01:14:59 22 and -- let's see. So that is the 30 DeJonge Street.

01:15:05 23 And I'll start with the incident report, which we'll

01:15:08 24 mark as Exhibit 3 for this deposition. I'll put that

01:15:12 25 up.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

2                   (The following exhibit was marked for  
3                   identification: Number EXH 3.)

01:15:25 4                   Q. And, Officer Laureano, do you see that  
01:15:30 5                   incident report on your screen?

01:15:31 6                   A. Yes.

01:15:32 7                   Q. Okay. And I'm going to go to -- that's  
01:15:34 8                   Bates number -- the plaintiff produced this report.  
01:15:37 9                   So it's Dempsey 2293, the one that we're looking at.

01:15:43 10                  And the date is July 7, 2020, correct, for  
01:15:51 11                  this incident?

01:15:51 12                  A. Yes, sir.

01:15:51 13                  Q. Okay. So I'm just going to go down to the  
01:15:55 14                  Narrative section here, and then ask you a few  
01:15:59 15                  questions.

01:15:59 16                  Okay. And is this a report that you  
01:16:06 17                  reviewed in preparation for this deposition?

01:16:09 18                  A. Yes, sir.

01:16:10 19                  Q. Okay. So I'm not going to ask you to read  
01:16:14 20                  all through it before I start asking you questions.  
01:16:17 21                  Okay?

01:16:17 22                  A. Okay.

01:16:17 23                  Q. So the incident report says that the  
01:16:21 24                  team -- the SWAT team was executing a high-risk search  
01:16:25 25                  warrant for 30 DeJonge Street, that you entered the



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:16:30   2       fence, and there were guys standing in the front yard  
01:16:32   3       with a pit bull; correct?  
01:16:34   4       MS. JONES: Objection.  
01:16:34   5       A. Yes.  
01:16:44   6       Q. Okay. Now, where did the SWAT team enter  
01:16:49   7       into the property at 30 DeJonge Street?  
01:16:53   8       A. The front yard.  
01:16:55   9       Q. Okay. Before you entered the front yard,  
01:16:58 10       did you ask the guys to put the dog away?  
01:17:02 11       A. No.  
01:17:02 12       Q. Okay. Why not?  
01:17:04 13       A. The dog was already out and we -- I don't  
01:17:10 14       know how familiar you are with high-risk search  
01:17:13 15       warrants, or how we deploy, but we're not going to  
01:17:17 16       slow down the execution of a high-risk search warrant  
01:17:22 17       and stop everything, like, "Hey, do you have a dog?  
01:17:25 18       Can you put it away?" because that would create a big  
01:17:29 19       risk to everyone there.  
01:17:30 20       Because we don't know who's in the house,  
01:17:33 21       who's on the property, what they have and what their  
01:17:35 22       intentions are and -- we're slowing down our ability  
01:17:38 23       to be effective if we just stop everything for just  
01:17:43 24       having -- just having knowledge of the presence of a  
01:17:46 25       dog.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

2                   Q. Okay.

01:17:49 3                   A. I don't know if that makes sense.

01:17:51 4                   Q. Sure.

01:17:53 5                   Can you describe how the entry was made?

01:17:58 6                   A. I don't know how the entry was made. I  
01:18:01 7                   wasn't on entry. I was on containment.

01:18:06 8                   Q. You were on containment?

01:18:09 9                   A. Yes, sir.

01:18:10 10                  Q. Okay. So before you entered the gate to  
01:18:13 11                  the yard, can you take me from the -- let me back up.  
01:18:17 12                  Let me withdraw that question.

01:18:18 13                  Was there a prewarrant briefing before you  
01:18:23 14                  went to the property?

01:18:24 15                  A. Yes.

01:18:25 16                  Q. Okay. And was there anything discussed  
01:18:28 17                  about how to deal with any dogs that might be on the  
01:18:32 18                  property at that briefing?

01:18:35 19                  A. Somebody would bring a catch pole.

01:18:39 20                  Usually somebody in the back of the entry stack.

01:18:43 21                  Q. Okay. Did someone bring a catch pole on  
01:18:51 22                  that occasion?

01:18:52 23                  MS. JONES: Objection.

01:18:53 24                  A. I believe one was brought, but it was  
01:18:57 25                  brought up maybe as all of this was happening. It was



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:18:58 2 very fast.

01:18:59 3                   Q. Okay. Do you remember any discussions at  
01:19:06 4 the briefing specifically regarding whether or not  
01:19:09 5 there were any dogs at the property?

01:19:11 6                   A. I believe that was part of the brief that  
01:19:17 7 there was a dog at the property.

01:19:19 8                   Q. Okay.

01:19:19 9                   A. Or a dog was observed.

01:19:22 10                  Q. Were there any plans made for what to do  
01:19:25 11 if you guys encountered the dog, other than the catch  
01:19:29 12 pole?

01:19:30 13                  MS. JONES: Objection.

01:19:31 14                  A. No, there weren't specific plans that were  
01:19:36 15 made. However, we usually will disregard a dog if it  
01:19:47 16 is chained, if it is crated, if it's otherwise in a  
01:19:51 17 position where it is not going to be cumbersome or in  
01:19:56 18 our way. We just -- we walk right by the dog.

01:19:58 19                  It's only -- the catch poles are only for  
01:20:02 20 in the event of an aggressive dog, which if we have  
01:20:06 21 any information about a dog being present, we'll  
01:20:09 22 always bring it with us.

01:20:11 23                  Q. Okay. Is there ever any discussion during  
01:20:15 24 a prewarrant briefing about, well, if the catch pole  
01:20:22 25 is in the back of the stack, and the dog starts



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:20:26 2 approaching the officers in the front of the stack,  
01:20:29 3 what the officers in the front of the stack should do  
01:20:31 4 to avoid shooting the dog?

01:20:34 5                   MS. JONES: Objection.

01:20:38 6                   A. The officers who are moving to their  
01:20:43 7 assigned positions, their final assigned positions,  
01:20:46 8 again, more often than not will completely disregard  
01:20:49 9 that dog. And it's usually overwhelming for the dog  
01:20:52 10 because it's like a sensory overload.

01:20:55 11                   They're not going to start attacking  
01:20:56 12 people right off the bat. They're usually alarmed,  
01:20:58 13 there's a little bit of a standoff, and we continue to  
01:21:01 14 move. And if need be, we'll call for a catch pole.  
01:21:05 15 Usually there's enough time.

01:21:06 16                   Q. Okay. What happened -- tell me everything  
01:21:12 17 you remember about this incident at 30 DeJonge Street.

01:21:16 18                   MS. JONES: Objection.

01:21:17 19                   A. We pulled up to the location to execute  
01:21:22 20 the high-risk search warrant. I was assigned to  
01:21:25 21 containment. As I was making my way to my containment  
01:21:28 22 point, there were numerous individuals that were in  
01:21:30 23 the driveway just off of the house.

01:21:33 24                   I assisted another officer, who was --  
01:21:37 25 another team member in addressing that group. I



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:21:42   2 believe it was three males. And the dog was very  
01:21:45   3 close to the chain-link fence, almost appeared to  
01:21:49   4 be -- as if it was chained to the fence or chained to,  
01:21:51   5 like, something. I don't know. Maybe like a chair.  
01:21:53   6                   And as we were giving instructions to the  
01:21:58   7 males that were on the ground to have them comply with  
01:22:01   8 what we needed, the dog came off of the fence, and we  
01:22:06   9 quickly realized that there is no chain on this dog,  
01:22:08   10 in effect a loose dog in the yard, and was quickly  
01:22:11   11 becoming aggressive.  
01:22:14   12                   So the dog came off the fence, began to  
01:22:21   13 lower its center, began to growl. It sounded  
01:22:26   14 extremely aggressive in the way that it was growling,  
01:22:30   15 its demeanor. Everything was showing signs that it  
01:22:33   16 was not backing down.  
01:22:34   17                   It continued to approach. It took, like,  
01:22:36   18 a little lunge step, and I let it get to about -- I  
01:22:40   19 don't know -- maybe the 3-foot mark -- 2 1/2-, 3-foot  
01:22:44   20 mark, and then it took that second lunge towards me  
01:22:47   21 and another team member. I had a good angle, and it  
01:22:52   22 was pointed in a safe direction, so I shot the dog  
01:22:56   23 because there was just no time. People were still  
01:22:59   24 making their way to their positions.  
01:23:02   25                   It was an immediate compromise, which



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:23:05   2 would have prompted the entry team to make an  
01:23:09   3 immediate entry. So the time to utilize a catch  
01:23:12   4 pole -- I mean, we're talking a span of, like, several  
01:23:15   5 seconds. It was very quickly.

01:23:20   6                   Q. Did you ever ask the three males in the  
01:23:23   7 driveway to secure the dog?

01:23:27   8                   A. No. Because, as I stated, the dog  
01:23:32   9 appeared to be -- at that moment, when we first were  
01:23:33 10 addressing the males, it appeared to already have been  
01:23:35 11 secured, just the way it was sitting against the  
01:23:37 12 fence. It had a collar on and it looked like it  
01:23:40 13 was -- it looked like it was against the fence. And  
01:23:44 14 I -- it wasn't moving at first. So we assumed that it  
01:23:46 15 was chained to the fence.

01:23:47 16                   It wasn't until several moments had  
01:23:50 17 passed -- it came off the fence very quickly. By  
01:23:53 18 then, the males are adhering to our commands, and the  
01:23:56 19 dog is very, very agitated. Very aggressive.

01:23:59 20                   Q. Okay. So before the team entered the  
01:24:04 21 yard, you didn't do anything to learn whether the dog  
01:24:06 22 was chained to the fence; correct?

01:24:08 23                   MS. JONES: Objection.

01:24:09 24                   A. Can you -- what do you mean by "learned"?  
01:24:12 25                   Q. You didn't walk over and take a look



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:24:15 2 closely to see is this dog actually chained or not.

01:24:20 3                   A. No. There was no time -- there was no  
01:24:22 4 time to do that. Once we're on set, we move to our  
01:24:26 5 assigned positions, and the rest of the team --  
01:24:31 6 containment gets set. You know, the other team calls  
01:24:36 7 "Set," and we execute the warrant.

01:24:38 8                   We're not, again, going to stop the whole  
01:24:41 9 execution of the warrant because we want to confirm  
01:24:43 10 whether or not there's a leash on the dog. The dog is  
01:24:45 11 still on the property. Regardless, that dog might  
01:24:48 12 have a really long lead even if it was chained. We're  
01:24:50 13 not going to stop the execution of the warrant.

01:24:53 14                   Q. Okay. Was there anything else done in the  
01:25:02 15 planning stages to discuss what could be done to avoid  
01:25:07 16 shooting the dog if it was encountered on the  
01:25:12 17 property?

01:25:12 18                   A. The only steps that could have been taken,  
01:25:15 19 if time had allowed, would be the utilization of a  
01:25:19 20 catch pole and perhaps maybe the deployment of, like,  
01:25:22 21 a 40-millimeter round from a member of the less-lethal  
01:25:26 22 team, if time allowed. Which, in that particular  
01:25:29 23 case, it did not.

01:25:30 24                   Q. Okay. And why, in that particular case,  
01:25:33 25 did time not allow to take these additional steps to



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:25:36 2 avoid shooting the dog?

01:25:37 3                   MS. JONES: Objection.

01:25:38 4                   A. As I already stated, sir, it happened  
01:25:44 5 within seconds. So by the time we could make that  
01:25:48 6 request, the dog had already made a couple aggressive  
01:25:54 7 movements and was approaching -- was approaching us  
01:25:57 8 and was a threat at that point.

01:25:59 9                   Had it just remained seated and -- I guess  
01:26:04 10 I've already described that sometimes they're more  
01:26:06 11 alarmed and they're standoffish, they're aggressive,  
01:26:09 12 but it's just posturing, and they're not really  
01:26:11 13 looking to get into anything. They're just looking to  
01:26:13 14 let us know that we're not welcome. And there's time  
01:26:15 15 at that point to call for a less-lethal deployment, or  
01:26:18 16 a catch pole, because we know the dog's, you know, not  
01:26:23 17 imminently a threat. It's not charging anybody and  
01:26:27 18 it -- we have time. In that moment, we did not have  
01:26:28 19 time. We had several seconds, and it was over as  
01:26:31 20 quickly as it began.

01:26:32 21                   Q. What would have happened if the whole  
01:26:34 22 team, before entering the gate, had paused, pointed  
01:26:39 23 their guns at the three individuals in the driveway,  
01:26:43 24 and said "Secure that dog" before entering the gate to  
01:26:47 25 go up to the front door and enter the house?



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:26:50 2                   MS. JONES: Objection.

01:26:50 3                   A. That would have created -- that would have  
01:26:53 4                   created -- the team would have been bogged down. It  
01:26:58 5                   would have created a bottleneck. As you enter the  
01:26:59 6                   property, it would have bottlenecked the whole team.  
01:27:00 7                   It would have stopped the whole team, and it would  
01:27:02 8                   have exposed the whole team to whatever angles that  
01:27:05 9                   were coming from the open doorway to the windows to,  
01:27:07 10                  you know, whoever potentially may have been behind the  
01:27:10 11                  yard. It would have given a chance for individuals to  
01:27:14 12                  jump out, to escape.

01:27:17 13                  There's a lot that can happen when -- and,  
01:27:19 14                  like I said, we were compromised the minute we pulled  
01:27:23 15                  up. There's a lot that can go wrong, and we don't --  
01:27:27 16                  we're not going to stop all of that just so we can  
01:27:27 17                  say, "Hey, man, is your dog" -- "Is your dog okay? Is  
01:27:31 18                  it friendly? Is it chained? Can we move now?"

01:27:33 19                  Like we don't do that because you're  
01:27:35 20                  sacrificing a tremendous amount of security and the  
01:27:39 21                  safety of your team for -- just to make sure the dog  
01:27:46 22                  is okay. And that is not something that we would do  
01:27:49 23                  in violation of our tactics, techniques, and  
01:27:53 24                  procedures.

01:27:57 25                  MR. SHIELDS: Okay. And just for the



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:27:58   2 record, I want to put up the -- okay. Well, actually,  
01:28:02   3 I guess I have the Zoom up still. Huh?

01:28:05   4                   So just to make it easier for me, because  
01:28:10   5 I had all of these premarked for myself, I'm going to  
01:28:13   6 put this Google Maps picture up as Exhibit 4.

7                   (The following exhibit was marked for  
8 identification: Number EXH 4.)

01:28:19   9                   Q. And I'm just going to ask you, Officer  
01:28:22 10 Laureano, does this look like the Google Maps picture  
01:28:27 11 of the location for 30 DeJonge Street?

01:28:32 12                   A. It appears to be, yes.

01:28:33 13                   Q. Okay. And can you tell me on this -- on  
01:28:41 14 this map, where did you guys stage when you pulled up  
01:28:46 15 to the property before entering the property?

01:28:49 16                   A. Well, we pulled up to what would be the  
01:28:53 17 1-4 corner, the one side of the house facing the  
01:28:54 18 street, and then you could work clockwise from there.  
01:28:58 19 So we pulled up to what would be the 1-4 corner, right  
01:29:00 20 at the sidewalk area, right at the end of the  
01:29:04 21 driveway.

01:29:04 22                   Q. Okay. So you just parked right in front  
01:29:07 23 of the house, basically?

01:29:10 24                   MS. JONES: Objection.

01:29:10 25                   A. More offset, but towards the front, yeah.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:29:14 2 Q. Okay. It wasn't like you parked on Joseph  
01:29:18 3 and then walked around. You guys drove right up to  
01:29:24 4 the front on this instance; is that right?

01:29:26 5 MS. JONES: Objection.

01:29:27 6 A. For that day, yes.

7 (The following exhibit was marked for  
8 identification: Number EXH 5.)

01:29:29 9 Q. Okay. And then Exhibit 5, I want to just  
01:29:34 10 put up this Google Map street view picture and ask  
01:29:42 11 you, Officer Laureano, does Exhibit 5 depict the  
01:29:48 12 property at 30 DeJonge Street in a -- I don't know --  
01:29:55 13 similar fashion to what it looked like on the night of  
01:29:58 14 the search warrant?

01:29:59 15 A. Yes.

01:29:59 16 Q. Okay. And so you guys just -- when you  
01:30:05 17 say that you entered the gate, it was the gate that  
01:30:07 18 was in front of the driveway here?

01:30:10 19 A. Yes, sir.

01:30:11 20 Q. Okay. And when you saw the dog, you  
01:30:16 21 mentioned that it was near the fence. Can you tell me  
01:30:20 22 which fence it was near, if you can see it in this  
01:30:24 23 picture?

01:30:25 24 MS. JONES: Objection.

01:30:26 25 A. Yep. Yes, I can.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:30:30 2 Q. Okay. Which fence was it?

01:30:34 3 A. It's the fence to the right that goes  
01:30:37 4 alongside that house that's in yellow there, a little  
01:30:42 5 bit before those green garbage totes.

01:30:46 6 Q. Okay. The fence on the right.

01:30:57 7 MS. JONES: Objection.

01:31:05 8 MR. SHIELDS: Okay. I'm just trying to  
01:31:06 9 make sure I don't get confused with my exhibit  
01:31:10 10 numbers.

01:31:10 11 Okay. I just want to go back.

01:31:12 12 So we had 30 DeJonge incident report.

01:31:28 13 Kim, was that 3?

01:31:28 14 MS. JONES: That's what I have.

01:31:30 15 MR. SHIELDS: Okay. And then the  
01:31:31 16 satellite is 4, and so the street view is 5.

01:31:37 17 Okay. I'm just making sure I've got it  
01:31:39 18 right. Okay.

01:31:49 19 Q. And how long after you entered the gate  
01:31:52 20 did you shoot the dog?

01:31:54 21 A. Probably within 10 seconds, maybe less.

01:31:59 22 Q. Okay. And what did the dog do immediately  
01:32:07 23 before you shot it?

01:32:09 24 MS. JONES: Objection.

01:32:12 25 A. So, as I previously stated, it came off



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
 01:32:16   2       the fence in an aggressive posture. It was getting  
 01:32:20   3       low and it was -- it was slowly walking towards us.  
 01:32:23   4       It paused. Take another step. I backed up as much as  
 01:32:30   5       I could without walking away because I'm covering the  
 01:32:33   6       guys that are behind me and next to me.

01:32:35   7       The dog then took, like, a really  
 01:32:38   8       aggressive, like, lunge when it was about -- I don't  
 01:32:42   9       know -- maybe 2 to 3 feet away. And, you know, that's  
 01:32:44   10      about as close as I let it get before I discharge my  
 01:32:50   11      weapon and -- striking the dog pretty much right at  
 01:32:56   12      that corner.

01:32:56   13      Q. Okay. And is there anything that you  
 01:33:01   14      think you could have done to avoid shooting the dog?

01:33:06   15      A. In that instance, with the limited space I  
 01:33:09   16      had and how aggressive that dog became, as quickly as  
 01:33:13   17      it became aggressive, no, that was unavoidable.

01:33:18   18      Q. What would have happened if you didn't  
 01:33:21   19      shoot the dog?

01:33:22   20      MS. JONES: Objection.

01:33:24   21      A. It would have bit my buddy or myself.

01:33:29   22      Q. Okay. That's what you think would have  
 01:33:33   23      happened based on your training and experience?

01:33:35   24      MS. JONES: Objection.

01:33:36   25      A. No. That's what would have happened. Not



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:33:39   2       that I think it would have happened. It would have  
01:33:42   3       happened.

01:33:43   4       Q. Okay. At the time when you shot the dog,  
01:33:46   5       had it already tried to bite you?

01:33:47   6       A. No. It was going into either -- it would  
01:33:55   7       become aggressive either offensively or in the defense  
01:33:58   8       of one of those individuals that was on the ground,  
01:34:00   9       but it was going to bite.

01:34:01   10      All the signs were there. And we, again,  
01:34:03   11      gave it about as much distance as we could, and it  
01:34:10   12      continued to aggressively advance on us. So there was  
01:34:13   13      no other alternative at that moment.

01:34:17   14      Q. And when you're on the entry team or the  
01:34:24   15      containment team, are you in full tactical gear?

01:34:29   16      A. Yes.

17                  Q. You've got a bulletproof vest on?

18                  A. We have armored plates, yes.

01:34:33   19      Q. Okay. Were you wearing gloves?

01:34:34   20      A. Yes.

01:34:36   21      Q. Okay. What would have happened if you had  
01:34:41   22      just kicked the dog?

01:34:42   23      MS. JONES: Objection.

01:34:43   24      A. Well, it was a pretty big dog. I think  
01:34:45   25      that would have made it a little upset if I kicked it.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:34:49 2 Q. Okay. Was there a member of the  
01:34:53 3 less-lethal team there?

01:34:55 4 A. There was -- there were less-lethal  
01:35:00 5 members of the less-lethal team that were present, but  
01:35:02 6 they were making their way to other points that they  
01:35:06 7 were assigned to.

01:35:06 8 Q. So there was no less-lethal person near  
01:35:10 9 you when you shot the dog?

01:35:11 10 A. At that moment, no.

01:35:12 11 Q. Okay. Have you ever been bit by a dog  
01:35:19 12 before?

01:35:20 13 A. Close, but no.

01:35:21 14 Q. Okay. What happened in those other times  
01:35:27 15 that were close?

01:35:30 16 A. I was able to get to my vehicle or get to  
01:35:33 17 a position where I could put a barrier in between me  
01:35:36 18 and the aggressive dog. And that happened, you know,  
01:35:41 19 only a handful of times in, you know, 12 years or so  
01:35:46 20 that I've been doing this. So -- and that was on  
01:35:48 21 patrol, like I said, not specific to a SWAT operation.

01:35:53 22 Q. Were you ever taught de-escalation  
01:35:58 23 techniques, such as using certain body language or  
01:36:03 24 saying certain things to dogs to de-escalate a  
01:36:07 25 situation with an aggressive dog?



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:36:09 2 A. Yes.

01:36:10 3 Q. Okay. When were you taught that?

01:36:14 4 A. A little bit in the academy. Like I said,  
01:36:19 5 it wasn't -- it was just a few blocks of instructions,  
01:36:21 6 but more on field training with more seasoned officers  
01:36:26 7 who had experience dealing with aggressive dogs.

01:36:29 8 So it was a combination of both and, I  
01:36:32 9 would say, whatever little bit of reinforcement  
01:36:36 10 through in-service training.

01:36:38 11 Q. Okay. Did you attempt to use any  
01:36:40 12 de-escalation techniques during the incident at 30  
01:36:45 13 DeJonge Street?

01:36:45 14 A. No. I didn't have time to use  
01:36:48 15 de-escalation techniques because the dog was on us, as  
01:36:53 16 fast as we were -- as we were addressing those  
01:36:57 17 individuals. As quickly as we addressed those  
01:37:00 18 individuals, the dog was on us. So there was no time  
01:37:00 19 to try to use any type of de-escalation tactic with  
01:37:04 20 that aggressive dog in that moment.

01:37:07 21 Q. After this incident, was there an after  
01:37:17 22 action briefing?

01:37:17 23 A. Yes.

01:37:18 24 Q. Okay. Was the dog shooting discussed at  
01:37:24 25 the after action briefing?



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:37:24 2 A. Yes.

01:37:25 3 Q. Okay. And what do you remember about  
01:37:28 4 that?

01:37:28 5 A. I remember it was brought up, and I  
01:37:33 6 remember the assistant team commander had asked for my  
01:37:37 7 input as to what I saw, as to what led me to take that  
01:37:41 8 action. I explained it, as I've explained it to you,  
01:37:44 9 and that was the end of it.

01:37:46 10 Q. Okay. And who was the assistant team  
01:37:51 11 commander?

01:37:51 12 A. Sergeant Brandon Ince. Now lieutenant.

01:37:57 13 Q. Okay. And was the incident also discussed  
01:38:04 14 with the rest of the SWAT team?

01:38:06 15 A. The entire team for that operation was  
01:38:11 16 present for the debrief.

01:38:13 17 Q. Okay. Including the commander?

01:38:16 18 A. Yes.

01:38:16 19 MS. JONES: Objection.

01:38:19 20 THE WITNESS: Sorry.

01:38:20 21 Q. I'm sorry. That was a "yes"?

01:38:22 22 A. Yes.

01:38:23 23 Q. I'm sorry. I just couldn't hear you  
01:38:26 24 because the objection was at the same time.

01:38:28 25 And was everything found to be within RPD



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:38:38 2 policy?

01:38:38 3                   A. Yes, sir.

01:38:39 4                   Q. Okay. Did the commander or anyone else  
01:38:44 5 ever talk to you about the dog shooting?

01:38:47 6                   MS. JONES: Objection.

01:38:48 7                   A. I think they asked me if I was okay. You  
01:38:52 8 know, just -- but nothing more than that.

01:38:55 9                   Q. Okay. Were you required to, like, have an  
01:38:58 10 appointment with a psychiatrist or anything?

01:39:00 11                   MS. JONES: Objection.

01:39:01 12                   A. No.

01:39:02 13                   Q. No mental health treatment as a result of  
01:39:07 14 the firearm discharge?

01:39:07 15                   MS. JONES: Objection.

01:39:08 16                   Don't answer that.

01:39:11 17                   MR. SHIELDS: The whole thing is marked  
01:39:13 18 confidential. He has to answer the question. It's  
01:39:16 19 relevant to the deposition.

01:39:17 20                   MS. JONES: He's already said that he  
01:39:20 21 wasn't told to meet with a psychologist as part of the  
01:39:24 22 dog shooting.

01:39:25 23                   MR. SHIELDS: There's different types of  
01:39:28 24 therapists that you can see that are different from --  
01:39:28 25 I think I said specifically psychiatrist, which is a



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:39:31 2 very specific kind of doctor.

01:39:35 3                   Q. So I just wanted to know, did you have to  
01:39:36 4 get any type of counseling at all, grief counseling,  
01:39:40 5 or whatever, as a result of the firearms discharge?

01:39:43 6                   MS. JONES: You can answer that.

01:39:45 7                   A. No.

01:39:46 8                   Q. And after the briefing, there's an after  
01:39:57 9 action report that's created; correct?

01:39:59 10                  MS. JONES: Objection.

01:40:00 11                  A. After the execution of the warrant,  
01:40:06 12 there's an after action, not the briefing.

01:40:08 13                  Q. And did you ever see the after action  
01:40:11 14 report that was written up for the 30 DeJonge Street  
01:40:15 15 incident?

01:40:18 16                  A. I did some time ago, yes.

01:40:21 17                  Q. Okay. Was there any -- well, let me  
01:40:25 18 withdraw that.

01:40:25 19                  What's the purpose of the after action  
01:40:29 20 briefing and the after action report?

01:40:31 21                  MS. JONES: Objection.

01:40:32 22                  A. So I think you're confusing -- so the  
01:40:35 23 operational brief is what we do prior to any type of  
01:40:40 24 rehearsal or execution of a high-risk search warrant.

01:40:43 25                  After the execution, we will reconvene for



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:40:47 2 a debrief, which is -- which is our after action, and  
01:40:51 3 then a report will be generated as a result of what we  
01:40:54 4 speak about, what we discuss, improvements, things of  
01:41:00 5 note, during that debrief in an after action report.

01:41:03 6                   Q. So, yeah, I'm trying to focus on the  
01:41:07 7 afterwards now.

01:41:07 8                   So you said there's a meeting and then a  
01:41:09 9 report, correct, afterwards?

01:41:11 10                  MS. JONES: Objection.

01:41:11 11                  A. Yes.

01:41:12 12                  Q. Okay. And what's the purpose of the after  
01:41:14 13 action review, briefing, and the report?

01:41:19 14                  MS. JONES: Objection.

01:41:22 15                  A. We use it for -- to document why we were  
01:41:27 16 there. For the purposes of what we were tasked to do,  
01:41:35 17 how we executed it, how did it go, what could we learn  
01:41:40 18 from it, and then we document that and we forward it  
01:41:44 19 up.

01:41:44 20                  Q. Okay. And when you say you forward it up,  
01:41:48 21 do you know who it goes to?

01:41:49 22                  A. It goes through our chain of command to  
01:41:51 23 the assistant team commander and team commander, and  
01:41:55 24 that information is then given to, I would say, the  
01:42:01 25 commanding officer of SOD.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:42:04 2 Q. Okay. So it would go to the SWAT  
01:42:08 3 commander, and then the SWAT commander would put it to  
01:42:12 4 the commanding officer of SOD?

01:42:15 5 A. I believe that's where it would go next in  
01:42:18 6 the chain of command because we fall under SOD.

01:42:21 7 Q. Okay. And do you remember at the meeting,  
01:42:24 8 or in the after action report, if there was anything  
01:42:29 9 about the dog shooting incident?

01:42:34 10 A. No. Yeah, we -- just to answer that  
01:42:38 11 question -- or to restate it. Yes, we spoke about it  
01:42:43 12 during the debrief.

01:42:44 13 Q. Okay. And then do you know if anything  
01:42:48 14 that you spoke about in the debrief made it into the  
01:42:51 15 report itself?

01:42:53 16 A. I did not do the after action report, but  
01:42:56 17 I would assume that that would be a notable incident  
01:43:00 18 that should have been in the after action report at --  
01:43:01 19 in some point.

01:43:02 20 Q. Okay. Do you know if -- well, I guess you  
01:43:05 21 don't know if it was in the report, right, because you  
01:43:07 22 didn't see it?

01:43:08 23 A. I glanced at some -- I'd already reviewed  
01:43:13 24 it, but -- like at the time you're saying it was  
25 written, or after the fact?



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:43:18 2                   Q. After the fact, have you ever reviewed the  
01:43:23 3                   after action report for the 30 DeJonge Street  
01:43:25 4                   incident?

01:43:25 5                   A. Yeah. I glanced at it, yes.

01:43:28 6                   Q. Okay. And did it say anything about the  
01:43:31 7                   dog shooting incident?

01:43:31 8                   A. I believe that was touched on somewhere.  
01:43:34 9                   I do recall seeing it somewhere in the after action.

01:43:38 10                  Q. Okay. And did it say anything about, for  
01:43:41 11                  example, how to avoid shooting a dog in the future  
01:43:45 12                  under similar circumstances?

01:43:48 13                  A. I would have to look at the report.

01:43:50 14                  Q. Okay. Is that something that you remember  
01:43:54 15                  being discussed at the after action briefing?

01:43:57 16                  A. No. But we have had training on that, and  
01:44:01 17                  that is a part of our training yearly as a team  
01:44:05 18                  because we encounter more dogs than the average patrol  
01:44:11 19                  officer.

01:44:11 20                  Q. Okay. Tell me everything about your  
01:44:12 21                  yearly training about how to avoid shooting dogs.

01:44:16 22                  A. As I've discussed already, it's still in  
01:44:19 23                  keeping with the policy that we already have. If we  
01:44:22 24                  can avoid it, we'll walk right by the dog.

01:44:23 25                  If we can distract it with some type of



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:44:28   2       NFD, which is essentially, you know, a flash-bang, we  
01:44:33   3       can use an NFD.

01:44:34   4       Oftentimes, just the sound of the chain  
01:44:38   5       saw running, if we're cutting a door, or if we hit a  
01:44:40   6       door hard with a ram, the sound of that -- that  
01:44:42   7       violent sound, along with a flash-bang at the primary  
01:44:45   8       point of entry, or at the threshold of a doorway,  
01:44:47   9       will -- oftentimes that will immediately take the  
01:44:50 10       fight or aggressiveness out of most dogs.

01:44:52 11       If we can't use that, then we can -- we'll  
01:44:54 12       try a catch pole. We'll try a Taser. We'll try a  
01:44:58 13       40-millimeter deployment. We will do what we can, if  
01:45:03 14       time allows, to avoid shooting a dog.

01:45:06 15       Q. And when you have these trainings, they're  
01:45:18 16       SWAT-specific trainings; correct?

01:45:19 17       MS. JONES: Objection.

01:45:20 18       A. Yes, for -- as it pertains to the  
01:45:25 19       execution of high-risk search warrants, yes, it  
01:45:29 20       applies specifically to us.

01:45:30 21       Q. And have you ever had a training where you  
01:45:32 22       use a real live dog?

01:45:36 23       A. No. I think -- you know, we avoid that  
01:45:40 24       for obvious reasons.

01:45:42 25       Q. Okay. Have you ever had a training



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:45:47 2 using -- for example, a training simulator for, like,  
01:45:53 3 a shoot/don't shoot scenario involving a dog?

01:45:58 4                   A. The only scenarios, like a shoot/no shoot  
01:46:04 5 involving a dog would be, like, PRISM, which used to  
01:46:06 6 be kind of a simulation like what you're saying that  
01:46:08 7 is no longer being utilized.

01:46:12 8                   I don't believe it's actually working  
01:46:15 9 anymore, and that was many years ago, but that was the  
01:46:15 10 closest thing that we had to do that. And that was  
01:46:18 11 not something -- I wasn't on the team back then. That  
01:46:21 12 was more designated for patrol officers.

01:46:23 13                   Q. Okay. So on the entry team, did you ever  
01:46:27 14 have any kind of reality-based, you know, high-stress  
01:46:35 15 situation involving how to make the decision whether  
01:46:42 16 or not to shoot a dog during the execution of a  
01:46:45 17 high-risk search warrant?

01:46:47 18                   A. For reality-based training, no. We use --  
01:46:51 19 we'll do, like, dry runs, and then we'll use -- we'll  
01:46:56 20 implement two-dimensional targets, 2D targets, which  
01:46:58 21 are paper targets on a backer, and then we'll  
01:47:00 22 implement force-on-force with live role players.

01:47:05 23                   But again utilizing, like, a real dog, we  
01:47:09 24 would not do that. And a paper target of a dog -- I  
01:47:17 25 mean, I haven't seen that yet. But, no, we wouldn't



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:47:22 2 do that.

01:47:23 3                   We have done that before in firearms  
01:47:25 4 training. The Firearms Training Unit did that when we  
01:47:26 5 were in the academy, but that's about it.

01:47:29 6                   Q. Okay. And was Sergeant Rudolph the  
01:47:48 7 commanding officer at the time of that incident?

01:47:51 8                   MS. JONES: Objection.

01:47:55 9                   A. He's the commander of our SWAT team,  
01:48:02 10 commanding officer on scene. I'm not sure if  
01:48:04 11 temporary commander or Captain Koonmen was there at  
01:48:07 12 the time, but -- I mean, I think that he would take --  
01:48:11 13 he would take the commanding officer on scene. If he  
01:48:13 14 was not present, it would be Commander Rudolph.

01:48:16 15                   Q. Okay. I'm sorry. That was a bad  
01:48:18 16 question.

01:48:18 17                   The SWAT team commander at the time of  
01:48:22 18 that incident was Sergeant Rudolph?

01:48:24 19                   A. Yes.

01:48:26 20                   MR. SHIELDS: Okay. And let's talk about  
01:48:45 21 the other incident where you shot a dog.

01:48:49 22                   So I'm going to put up what will be  
01:48:52 23 Exhibit 6. So it's going to be the incident report  
01:48:56 24 for the Incident CR Number 2021-00189988.

01:49:08 25                   One second. I'll throw that up.

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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

2                   (The following exhibit was marked for  
3                   identification: Number EXH 6.)

01:49:20 4                   Q. And, Officer Laureano, is that what you  
01:49:21 5                   see on the screen right now?

01:49:23 6                   A. Yes.

01:49:25 7                   Q. Okay. This incident occurred on -- excuse  
01:49:29 8                   me -- August 29, 2021; is that right?

01:49:32 9                   A. Yes.

01:49:33 10                  Q. At 14 Forbes Street?

01:49:36 11                  A. Yes.

01:49:37 12                  Q. Okay. And did you review this incident  
01:49:40 13                  report in preparation for your deposition today?

01:49:43 14                  A. Yes.

01:49:44 15                  Q. Okay. Can you just tell me everything you  
01:49:48 16                  remember about this incident?

01:49:49 17                  MS. JONES: Objection.

01:49:49 18                  A. A similar circumstance. A high-risk  
01:49:57 19                  search warrant at a location. We're looking for a  
01:50:02 20                  specific individual. Weapons were believed to be  
01:50:07 21                  present.

01:50:08 22                  Instead of -- the only difference, I would  
01:50:10 23                  say, instead of pulling up to the location, due to the  
01:50:13 24                  time that we're executing the warrant, 0500, as  
01:50:18 25                  time-stamped there, we actually patrolled in on foot



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:50:21       2 due to the fact we could still utilize the cover of  
01:50:24       3 darkness to our advantage.

01:50:30       4                   So we walked up. I was assigned to  
01:50:38       5 containment that day as well. We knew that there  
01:50:42       6 would potentially be an encounter with a dog in the  
01:50:44       7 rear of the yard. And there was a crate, I believe,  
01:50:46       8 at the 3-4 corner that was up against a wooden  
01:50:52       9 stockade fence. And that was of no concern to us  
01:50:54       10 because, if it was crated, there's a good chance, you  
01:50:57       11 know, it would be on some type of chain.

01:51:01       12                   So there was a discussion that I had with  
01:51:03       13 the individual who I was teamed up with at that  
01:51:08       14 containment point, that we would pause before reaching  
01:51:10       15 our containment point at the 3-4 corner because we  
01:51:12       16 didn't want to wake the dog.

01:51:13       17                   We didn't want to disturb him. So we come  
01:51:13       18 to a stop right around the 2-3 corner. We kind of get  
01:51:17       19 a beat on our containment point. We call "Set." That  
01:51:21       20 would initiate the other teams to call "Set," which  
01:51:26       21 would then be followed by a breach.

01:51:30       22                   So we came to the 2-3 corner. There was  
01:51:36       23 also the breach and -- the whole team was behind us.  
01:51:39       24 We were covering them as we advanced down the driveway  
01:51:40       25 or up the driveway.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:51:42       2                   As we reached the 2-3 corner, the door for  
01:51:43       3                   the breach and hold was almost right at that corner.  
01:51:46       4                   Just a few feet up from the actual corner of the  
01:51:48       5                   house, there's a small porch on the 3 side of the  
01:51:52       6                   house that connects to the 2-3 corner, and underneath  
01:51:55       7                   the porch, a dog came out. So there was a second dog  
01:51:58       8                   that we were unaware of.

01:52:00       9                   It came out. It was very aggressive  
01:52:06       10                  immediately. It was growling and giving us a couple  
01:52:14       11                  of low deep barks. His posture was lowering itself.  
01:52:21       12                  It was doing kind of a slow walk. And the individual  
01:52:27       13                  who was next to me was Sergeant Ryan Romig, and he  
01:52:31       14                  advised me to not pull the trigger unless I absolutely  
01:52:34       15                  had to. The reason being is we did not want to  
01:52:37       16                  compromise the team.

01:52:37       17                  The dog -- he transitioned, I believe, to  
01:52:44       18                  his 40-millimeter weapon because at that time he was  
01:52:47       19                  part of the less-lethal team. So he had his launcher.  
01:52:50       20                  I had my rifle. And we had, essentially, no space.  
01:52:54       21                  We were between a car -- a tight space between the  
01:52:58       22                  car, the side of the house, and a chain-link fence.

01:53:02       23                  So the dog -- and the breach and hold team  
01:53:05       24                  was behind us, which we were covering. So the dog  
01:53:07       25                  was -- we were just side-to-side, face-to-face with



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:53:10 2         this dog. It took off very quickly and charged us.

01:53:13 3                   And I probably waited till it got, again,  
01:53:15 4         right around that, like, 2-foot mark -- 2- to 3-feet  
01:53:20 5         mark in front of me. And it was full speed coming,  
01:53:24 6         and that's when, I would say, simultaneously we both  
01:53:25 7         shot the dog. Him with his 45-millimeter launcher,  
01:53:31 8         and me with my rifle.

01:53:32 9                   The dog then retreated to -- where it had  
01:53:33 10         come out of, its little space there underneath that  
01:53:38 11         porch. It became docile. It whimpered. We called --  
01:53:43 12         we came -- we made our way to our set position that we  
01:53:47 13         had originally spoke about, the 2-3 corner.

01:53:49 14                   We kept -- maintained visual on the 3 side  
01:53:53 15         of the house, 3 of the yard. The other dog was fine.  
01:53:56 16         It was chained. And the one we knew about was of  
01:54:00 17         really no -- was really no threat to us. But  
01:54:04 18         that did -- that was a compromise because of that shot  
01:54:06 19         that had went off -- or two shots. And that initiated  
01:54:11 20         the breach at that point.

01:54:13 21                   And then from there, I just stood by until  
01:54:16 22         we were done. I briefed -- I briefed -- I believe it  
01:54:26 23         was either -- I can't remember if it was Sergeant  
01:54:29 24         Flanagan or Sergeant Ince, but I briefed one of them  
01:54:33 25         about the shooting.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:54:34   2                   My casing was located directly where I  
01:54:37   3                   said I was standing. It was right next to where I was  
01:54:39   4                   standing, very close to it, and that was it.

01:54:46   5                   Q. How come you didn't wait for Sergeant  
01:54:50   6                   Romig to shoot the less-lethal before you pulled the  
01:54:56   7                   trigger?

01:54:57   8                   A. I was. I think we were both waiting  
01:55:00   9                   for -- we were both hopeful that the dog was going to  
01:55:05 10                   be more standoffish and more -- more agitated than --  
01:55:10 11                   you know, we knew it was aggressive, but we were  
01:55:12 12                   hoping that it was going to kind of keep itself at a  
01:55:14 13                   distance.

01:55:15 14                   Aggressive dogs will size you up. They'll  
01:55:19 15                   pace. They'll look. They might take a dash in. They  
01:55:22 16                   might scamper back. They do different things. But  
01:55:22 17                   this dog did that for, like, a split second. Kind of  
01:55:29 18                   stood up, lowered its center.

01:55:31 19                   We couldn't move because of our  
01:55:33 20                   positioning and covering the breach and hold element.  
01:55:36 21                   So I think that it was -- you know, the dog just made  
01:55:39 22                   the decision that, if we were moving, it was going to  
01:55:41 23                   charge. I was hopeful that it wouldn't.

01:55:43 24                   I think Sergeant Romig was as well. I  
01:55:48 25                   don't know -- I think that he was -- he could have --



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:55:51   2 I think he was -- in his mind, probably wanted to  
01:55:54   3 deploy that at the last possible second. It just  
01:55:57   4 happened to be when it was right up on us. It was  
01:55:59   5 very fast movement by the dog.

01:56:01   6                   And so not hearing him discharging his  
01:56:07   7 40-millimeter launcher, I didn't know if it was -- if  
01:56:10   8 there was any -- it was experiencing any type of issue  
01:56:12   9 or what, but it got close enough, where I'm, like,  
01:56:15 10 "Okay. This dog is about to bite us." And it was,  
01:56:18 11 again, like a couple of feet in front of us when we  
01:56:20 12 both pulled the trigger.

01:56:22 13                   Q. All right. So Sergeant Romig never told  
01:56:25 14 you, "Don't shoot. I'm going to" -- "If the dog  
01:56:30 15 charges at us, I'll discharge the less-lethal weapon  
01:56:33 16 first." That never happened?

01:56:36 17                   MS. JONES: Objection.

01:56:36 18                   A. No. The directive that I received from  
01:56:40 19 Sergeant Romig was "Do not shoot that dog unless you  
01:56:41 20 absolutely have to."

01:56:43 21                   Q. Okay.

01:56:43 22                   A. Because --

01:56:44 23                   Q. And you were aware that Sergeant Romig had  
01:56:48 24 put away his rifle and taken out his less-lethal  
01:56:53 25 launcher?



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

01:56:54   2                   A. He didn't say he was doing it, but I was  
01:56:57   3                   aware because I could hear him transitioning. So I  
01:57:00   4                   didn't have to look at him just to confirm he was  
01:57:02   5                   doing that.

01:57:03   6                   Q. So you knew that before you pulled the  
01:57:06   7                   trigger there was a less-lethal option available that  
01:57:11   8                   Sergeant Romig was prepared to use?

01:57:12   9                   A. Yes.

01:57:13   10                  Q. Okay. And prior to the execution of the  
01:57:21   11                  search warrant, were there any plans made at the  
01:57:24   12                  prewarrant briefing, or otherwise, for how to handle  
01:57:28   13                  any dogs that might be encountered on the property?

01:57:31   14                  A. Yes. As I previously stated, we had a  
01:57:37   15                  brief game plan of how we were going to go about that,  
01:57:40   16                  knowing that there was a dog further in the backyard  
01:57:41   17                  and more than likely is chained to something, being in  
01:57:45   18                  some type of crate.

01:57:46   19                  That's why we were going to stop at the  
01:57:49   20                  2-3 corner, to not go all the way to the 3-4 corner,  
01:57:53   21                  which we could clearly see from that point, to  
01:57:56   22                  disturb, upset, or agitate the dog. We didn't want to  
01:58:00   23                  make that dog go crazy, to alert anybody inside that  
01:58:02   24                  location, and have an unneeded compromise.

01:58:06   25                  That was for that specific dog that we had



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:58:11   2       obtained information that would most likely be on the  
01:58:13   3       property, not that there was a second dog at that  
01:58:18   4       corner that we had stopped at.

01:58:21   5       Q. Is there any rule that requires, either  
01:58:26   6       members of the SWAT team or members of the RPD  
01:58:30   7       generally, to use a less-lethal option first before  
01:58:34   8       discharging a firearm at a dog?

01:58:39   9       A. It's encouraged, yes. We would absolutely  
01:58:43 10       try to make the effort to utilize a less-lethal  
01:58:47 11       option, if time allows for it.

01:58:49 12       Q. Okay. Is there a rule that requires a  
01:58:53 13       less-lethal option to be used prior to discharging a  
01:58:58 14       firearm at a dog?

01:59:01 15       A. Yes, if time allows for it, if we have the  
01:59:05 16       opportunity to do so. So we don't just shoot the  
01:59:09 17       dogs. We either create distance, we create space, we  
01:59:14 18       gravitate towards cover.

01:59:16 19       If we have somebody that is fortunate  
01:59:19 20       enough to have some type of, you know, Taser on them,  
01:59:21 21       we could try that. As far as -- you know, that's  
01:59:26 22       really kind of the only other option besides, I would  
01:59:28 23       say, outside of beanbag. But that takes time to get.

01:59:33 24       So that would be something that would have  
01:59:36 25       to come from another officer, you know, an additional



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
01:59:41 2 resource.

01:59:41 3                   Q. Okay. Are you aware of what was done  
01:59:46 4 before the incident to determine if there was one dog  
01:59:49 5 or more than one dog that resided at the property?

01:59:53 6                   A. Yes. Again, that was something that I had  
01:59:57 7 discussed with Sergeant Romig prior to.

02:00:01 8                   MR. SHIELDS: Okay. Just for the record,  
02:00:03 9 I want to put up what will be Exhibit 7, and that's  
02:00:09 10 the SWAT operation order for 14 Forbes Street, and I  
02:00:22 11 just have one or two questions on this.

12                   (The following exhibit was marked for  
02:00:24 13 identification: Number EXH 7.)

02:00:24 14                   Q. And, Officer Laureano, do you see what's  
02:00:26 15 been marked as Exhibit 7 for this deposition on your  
02:00:30 16 screen, the SWAT Operation Order for the high-risk  
02:00:34 17 search warrant on August 21, 2021, at 14 Forbes  
02:00:38 18 Street?

02:00:38 19                   A. Yes.

02:00:39 20                   MR. SHIELDS: Okay. And for the record,  
02:00:39 21 the first page -- the first Bates-numbered page for  
02:00:45 22 this document is City of Rochester GUR 1359. And I'm  
02:00:50 23 going to go down to the fourth page of this PDF, and  
02:00:59 24 this page is Bates-numbered COR GUR 1362.

02:01:03 25                   Q. And, Officer Laureano, so my question



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
2 is -- this page says "No Intel on Dogs." So I guess  
3 what I'm wondering is, if there had been intelligence  
4 that was gathered prior to the execution of the search  
5 warrant about dogs having resided at the property, it  
6 would have been in this document; right?

7                   MS. JONES: Objection.

8                   A. You're correct that usually, when we  
9 gather intel, that is part of our intelligence  
10 gathering and that usually is included in an  
11 operations brief. However, we do always do our best,  
12 even up until the day before the warrant, to even  
13 double and triple check, touch base with people,  
14 whether it would be the case agent or we do an  
15 additional scout of the location.

16                  But last-minute intel is oftentimes used  
17 as well, so that might not be an operational brief.  
18 We might receive last-minute intel, you know, the hour  
19 before, and that might not be in there. So it doesn't  
20 mean that necessarily that -- that is oftentimes  
21 included, but sometimes it is left out due to  
22 last-minute intel.

23                  Q. Okay. Do you know if that happened in  
24 this case?

25                  A. Yes, I do know because we discussed the



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
02:02:32   2       dog, if in the instance there was a dog, because --  
02:02:37   3       there was a kennel observed and believed to be a dog  
02:02:41   4       on the property.

02:02:42   5       I don't know why it didn't make its way  
02:02:44   6       into that briefing. The only reason I can think of it  
02:02:48   7       would be last-minute intel. But we were aware of the  
02:02:50   8       dog because we came up with a game plan of how to deal  
02:02:55   9       with the dog prior to deploying.

02:02:57   10       Q. Okay. So just so I'm clear, you're saying  
02:03:04   11       that when you discussed the kennel on the property,  
02:03:06   12       that's not like when you deployed and you started to  
02:03:11   13       enter the property and then you saw the kennel? This  
02:03:15   14       was before deploying?

02:03:16   15       A. Yes.

02:03:16   16       MS. JONES: Objection.

02:03:17   17       Q. Do you know how far in advance of the  
02:03:24   18       execution of the warrant these operations orders are  
02:03:28   19       put together?

02:03:30   20       A. That would depend, honestly, on when we're  
02:03:36   21       tasked with coming up with a plan for whatever. You  
02:03:41   22       know, whatever -- I guess specific discipline, whether  
02:03:46   23       it be SIS or Major Crimes or GRANET or, you know, ATF,  
02:03:52   24       or whoever gives it to us.

02:03:54   25       We might get it a month in advance, a week



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
2 in advance, a day in advance. It really honestly all  
3 depends on when we're given it. So I can't speak to  
4 when that information was received.

5                   Q. Okay. But here sometime between the  
6 operations order and execution of the warrant, you had  
7 this discussion specifically about the fact that there  
8 is a kennel on the property, so you knew that there  
9 was at least one dog on the property; correct?

10                  MS. JONES: Objection.

11                  A. We were aware that there was the strong  
12 likelihood of at least one dog based on the  
13 last-minute intel that was received. And that's why  
14 we had come up with a plan to halt at the 2-3 corner,  
15 and not go all the way to our final assault position  
16 because we didn't want to have any type of negative  
17 interaction with the dog or upset the dog.

18                  Q. Okay. And was that plan about not giving  
19 away the fact that you guys were executing the warrant  
20 and tipping off the people inside, or was that plan  
21 about how to deal with the dog in a nonlethal manner  
22 to avoid shooting the dog?

23                  MS. JONES: Objection.

24                  A. Both.

25                  Q. Okay. And what was the -- what was the

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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
02:15:27   2       going to be docile, or you assume that that  
02:15:29   3       less-lethal round is going to be effective -- you  
02:15:31   4       know, you're going on the assumption that it's all  
02:15:32   5       going to be okay, and that's how people get hurt.

02:15:35   6       Q. On the night of 14 Forbes Street, were you  
02:15:50   7       wearing your tactical armor plate and your vest?

02:15:54   8       A. Yes, sir.

02:15:54   9       MS. JONES: Objection.

02:15:56   10      Q. And you had a helmet on?

02:15:58   11      A. Yes.

02:15:58   12      Q. And gloves?

02:16:02   13      MS. JONES: Objection.

14                A. Yes.

02:16:02   15      Q. Is there any other body armor that you  
02:16:05   16      wear?

02:16:06   17      A. No. The only ballistic protection we have  
02:16:09   18      is our rifle plates and our Kevlar helmet.

02:16:10   19      Q. Okay. And have you ever heard of an  
02:16:14   20      officer being seriously injured by a dog?

02:16:19   21      A. I have heard of officers being injured,  
02:16:24   22      but I've seen firsthand what can happen to just  
02:16:28   23      regular citizens or regular civilians.

02:16:31   24      Q. Okay. So have you ever heard of an RPD  
02:16:35   25      officer sustaining serious injuries as a result of a



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
02:16:38 2       dog attack?

02:16:39 3                   A. No. And I think that would be a testament  
02:16:41 4       to our training.

02:16:42 5                   Q. Okay. Have you ever heard that no police  
02:16:47 6       officer, in the history of the United States, has ever  
02:16:50 7       been killed by a dog?

02:16:52 8                   A. Have I ever heard of that?

02:16:54 9                   Q. Have you ever heard the fact that no  
02:16:57 10       police officer in the United States has ever been  
02:17:00 11       killed by a dog?

02:17:03 12                  A. I have not. But if that's true, that's a  
02:17:06 13       good thing.

02:17:08 14                  Q. I agree that's a good thing.

02:17:10 15                  Now, just to be clear, you've never been  
02:17:17 16       disciplined for any of these four incidents where you  
02:17:20 17       shot at a dog; correct?

02:17:21 18                  MS. JONES: Objection.

02:17:22 19                  A. No, I have not.

02:17:26 20                  Q. Are there any other instances where you  
02:17:30 21       have used less-lethal force against a dog?

02:17:38 22                  A. No, not less-lethal. But, you know, for  
02:17:40 23       the close encounters where I was almost bit, I was  
02:17:42 24       just -- like I said, just to gravitate towards cover,  
02:17:44 25       use barriers, withdrew, because time allowed it.



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

02:17:49   2                   Q. And you have never been required to get  
02:17:53   3                   any additional training on interactions with dogs;  
02:17:56   4                   correct?

02:17:56   5                   MS. JONES: Objection.

02:17:57   6                   A. No, I have not.

02:17:59   7                   Q. Okay. Since the academy, other than your  
02:18:09   8                   SWAT retaining, what training have you received about  
02:18:12   9                   interactions with dogs?

02:18:15   10                  A. Honestly, just what I received from the  
02:18:20   11                  academy. Outside of SWAT, just what I received from  
02:18:23   12                  the academy and in-service training, and it was more  
02:18:25   13                  of a refresher. So -- and I guess, if you want to add  
02:18:31   14                  to it, just the experiences, the real experiences that  
02:18:33   15                  I've had on patrol, that you learn very quickly how to  
02:18:40   16                  deal with. How to deal with -- how to recognize an  
02:18:43   17                  aggressive dog and how to deal with it.

02:18:44   18                  Q. Okay. And when you say your in-service  
02:18:47   19                  training, is there a specific in-service training that  
02:18:52   20                  you're referring to?

02:18:53   21                  A. There was one that I was given a while ago  
02:18:56   22                  so -- I don't recall when. It was obviously sometime  
02:19:02   23                  between the time I was off of probation and on my own  
02:19:07   24                  till the time -- till now.

02:19:09   25                  But it was, again from what I can recall,



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1                   OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS  
02:19:13 2         a bit of a refresher from what we had learned in the  
02:19:16 3         academy. I don't recall that there was anything  
02:19:20 4         eye-opening that I took from it.

02:19:22 5                   Q. Okay. Is there anything else specific  
02:19:27 6         that you remember from that training?

02:19:30 7                   A. Again, just photos of some dogs that they  
02:19:33 8         had of some aggressive-looking dogs, some signs to  
02:19:37 9         look for. Nothing -- again, I don't remember all  
02:19:42 10         of -- every slide. It was some time ago.

02:19:46 11                  Q. And you said it was sort of a refresher  
02:19:49 12         from what you learned at the academy?

02:19:51 13                  MS. JONES: Objection.

02:19:52 14                  A. To me, it was a refresher. I took it as a  
02:19:56 15         refresher because it was consistent with what I had  
02:20:00 16         learned at the academy and also on the road. So....

02:20:05 17                  Q. Okay. And do you remember if there was  
02:20:06 18         any discussion about the use of less-lethal options  
02:20:14 19         against dogs at that training?

02:20:16 20                  A. There most likely was. Again, I couldn't  
02:20:20 21         say specifically what slide it would have been or  
02:20:23 22         where in the presentation: beginning, middle, end.  
02:20:26 23         I'm sure there was something that spoke to that.

02:20:29 24                  I mean, it's always an option if you have  
02:20:32 25         the resources that are available to you.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

02:20:37 2 Q. Does the annual firearms training involve  
02:20:43 3 dog shooting scenarios?

02:20:45 4 A. No, because the annual firearms training  
02:20:51 5 usually consists of a qualifier, and sometimes -- if  
02:20:55 6 we're not just doing qualifier, we'll do some type of  
02:20:59 7 reality-based training.

02:21:00 8 Again, we don't use dogs for reality-based  
02:21:03 9 training, but on occasion they might throw it in there  
02:21:06 10 just as some type of tactical course on the range,  
02:21:10 11 where you'll be introduced -- you'll shoot targets,  
02:21:11 12 and one of them may be a two-dimensional target of a  
02:21:14 13 dog that's coming at you, you know, on a back or  
02:21:18 14 something like that. And, you know, they'll put you  
02:21:20 15 somewhat close so you don't have much time to react.

02:21:24 16 And that's about the only time that I can  
02:21:26 17 think we've done something like that, and that was  
02:21:28 18 many years ago.

02:21:29 19 Q. Okay.

02:21:31 20 A. It's not every year.

02:21:33 21 Q. Is there any other training that you've  
02:21:35 22 received, either with the RPD or anywhere else, about  
02:21:44 23 interactions with dogs?

02:21:45 24 MS. JONES: Objection.

02:21:46 25 A. No.



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1 OFFICER JONATHAN P. LAUREANO - BY MR. SHIELDS

02:21:49 2 MR. SHIELDS: Okay. I think that that is  
02:21:52 3 all of my questions for now. Your attorney might have  
02:21:57 4 follow-up questions for you. I'm not sure.

02:22:04 5 MS. JONES: Give me one second to look.

02:22:23 6 Nope, no further questions.

02:22:26 7 MR. SHIELDS: Okay. Great.

02:22:27 8 THE VIDEOGRAPHER: Okay. This will  
02:22:28 9 conclude today's testimony. The time is 2:22 p.m. We  
02:22:35 10 are off the record.

11 (TIME: 2:22 p.m.)

12 \* \* \*

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